

On 14 November 2024, Waratah Strata Management finally delivered agenda for AGM 2024 via courier to Lot 158.

On 24 September 2024 Waratah Strata Management tried to persuade some owners to convert to electronic delivery supposedly to save money to owners (!?), which Lot 158 rejected for a good reason:

From Jeany Ciervo | Waratah Strata Management <Jeany@waratahstrata.com.au> @

To Undisclosed recipients;;

Subject **SP 52948 | 1-15 Fontenoy Road, Macquarie Park | Notice Delivery Method**

24/9/24, 16:54

Dear Owners,

Your annual general meeting for 2024 is scheduled to be called soon.

In order to ensure timely and secure delivery of important information, and also reduce the cost of printing and postage for the owners corporation, we are able to issue notices of meetings and levies by e-mail.

We currently have your preference noted to receive all notices via traditional post.

We encourage you to consider updating your preference to receive all notices and correspondence via email.

Should you wish to take advantage of this opportunity, please reply to this email confirming your unit number/full street address and we will update your preference for you.

Kind regards,

Table of Contents

MOTION 1 MINUTES of the last general meeting 22 February 2024 be confirmed as a true record and account of the proceedings of that meeting.....2

Motion 2. CHAIRPERSON'S REPORT.....8

Motion 3. FINANCIAL ACCOUNTS.....17

Motion 4. AUDITOR.....24

Motion 5. TENDER ANALYSIS - CORE CONSULTING ENGINEERS.....29

Motion 6. QUOTATION ACCEPTANCE - FIRE SAFETY WORKS.....32

Motion 7. QUARTERLY ADMINISTRATION FUND LEVIES.....33

Motion 8. CAPITAL WORKS FUND PLAN.....41

Motion 9. QUARTERLY CAPITAL WORKS FUND LEVIES.....44

Motion 10. DEBT RECOVERY.....45

Motion 11. DEBT RECOVERY PAYMENT PLAN.....46

Motion 12. INSURANCES.....47

Motion 13. INSURANCE VALUATION.....49

Motion 14. COMMISSIONS & TRAINING SERVICES.....50

Motion 15. STRATA COMMITTEE NOMINATION & ELECTION.....51

Motion 16. ELECTION OF COMMITTEE.....52

Motion 17. RESTRICTED MATTERS.....53

Motion 18. ANNUAL FIRE SAFETY STATEMENT.....54

Motion 19. RESTRICTIONS ON SPENDING EXPENDITURE VS BUDGET.....55

Motion 20. WORK HEALTH & SAFETY COMMITTEE.....56

Motion 21. WORK HEALTH & SAFETY CONSULTANT.....57

Motion 22. PEST INSPECTION.....58

Motion 23. SPECIAL BY-LAWS XX - LOT 79.....59

Motion 24. RENOVATION APPLICATION - LOT 200.....61

Motion 25. MOTIONS REQUISITIONED BY LOT 158 OWNER.....62

IMPORTANT: Uniqueco Property Services, Waratah Strata Management and a group of committee members received this submission on 15 November 2024. None of them replied or took any action to notify owners about serious concerns for management of SP52948. In addition, Uniqueco Property Services and Waratah Strata Management prevented owners from receiving one-page summary about AGM 2024 problems on notice-boards two times.

MOTION 1 MINUTES of the last general meeting 22 February 2024 be confirmed as a true record and account of the proceedings of that meeting

a) Agenda was created on 31 January 2024 and scheduled for 22 February 2024. The meeting failed to satisfy SSMA 2015 and Interpretation Act 1987 (NSW).

On 11 December 2023 the NSW strata and community title legislation changes came into effect. General Meeting Notices: time period for notices increases from 7 days to 14 days:

<https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=18511>

Under the Strata Schemes Management Act, 2015 (NSW), the notice period for a general meeting (other than the first) is fourteen (14) days. In addition to this fourteen (14) day period, allowance must also be made for the postal rule, which is a further seven (7) day period. The day of postage cannot be included nor can the day of the meeting itself (Section 36 of the IA) – in other words, those days must be left clear and not be counted in either the postal or strata period. The seven (7) day postal rule is for seven (7) working days – working days are not public holidays, bank holidays in the state to which the agenda applies, Saturdays or Sundays.

The following applies:

Day/Date	Weekday	Service Calculation Event
1, 31/01/2024	Wednesday	Notice posted (must not be counted)
2, 01/02/2024	Thursday	First working day
3, 02/02/2024	Friday	Second working day
4, 03/02/2024	Saturday	Weekend
5, 04/02/2024	Sunday	Weekend
6, 05/02/2024	Monday	Third working day
7, 06/02/2024	Tuesday	Fourth working day
8, 07/02/2024	Wednesday	Fifth working day
9, 08/02/2024	Thursday	Sixth working day
10, 09/02/2024	Friday	Seventh working day - notice effective
11, 10/02/2024	Saturday	First notice day
12, 11/02/2024	Sunday	Second notice day
13, 12/02/2024	Monday	Third notice day
14, 13/02/2024	Tuesday	Fourth notice day
15, 14/02/2024	Wednesday	Fifth notice day
16, 15/02/2024	Thursday	Sixth notice day
17, 16/02/2024	Friday	Seventh notice day
18, 17/02/2024	Saturday	Eighth notice day
19, 18/02/2024	Sunday	Ninth notice day
20, 19/02/2024	Monday	Tenth notice day
21, 20/02/2024	Tuesday	Eleventh notice day
22, 21/02/2024	Wednesday	Twelfth notice day
23, 22/02/2024	Thursday	Date of meeting (must not be counted)

Thirteenth and fourteenth notice days are missing!

b) This is not the first time Waratah Strata Management conducted general and committee meetings without compliance. In NCAT case SC 20/33352 Tribunal even admitted that AGM 2019 was non-compliant but refused to take any action against strata manager and committee members:

<https://www.sp52948-news.info/SP52948-statutory-declaration-for-NCAT-case-20-33352-which-Waratah-Strata-Management-refused-to-provide-to-owners-Aug2020.pdf>

Almost all committee meetings since 1 February 2017 when Waratah Strata Management took officer were non-compliant:

<https://www.sp52948-news.info/SP52948-Waratah-Strata-Management-organised-non-compliant-ordinary-committee-meetings-since-1Feb2017.html>

c) Waratah Strata Management, with support of present owners, refused to provide names of valid owners as requested by Lot 158 at the meeting, as per SSMA 2015 Section 13 - Chairperson to announce names of persons entitled to vote: if requested to do so by a person present and entitled to vote at a meeting, the chairperson must, before submitting a motion to the meeting or the holding of the election of members of the strata committee, announce the names of the persons who are entitled to vote on that motion or at that election; Mr. Heath Crosbie claimed the list was long and when offered to provide it in Zoom chat instead of pronouncing the names, he refused that option too.

A specific question was asked if all owners present in person were financial to vote and be candidates for the committee, and strata manager Mr. Heath Crosbie was adamant that all of them were financial (that included Mr. Stan Pogorelsky).

d) As the quorum was not satisfied, Waratah Strata Management should have waited 30 minutes before proceeding; SSMA 2015 Section 17 changed the conditions for quorums of general meetings: meeting can be declared once a quorum is in attendance within the first 30 minutes of the declared starting time of the meeting but if a quorum is not present the chairperson must wait for the 30 minutes to elapse.

Waratah Strata Management made accidental admission that 30-minute wait was not satisfied because they declared meeting closed at 18:30 hours, which meant that the whole general meeting lasted less than one minute (original start was at 18:00 hours with declaration that it was a valid meeting several minutes afterwards, and with compulsory delay of 30 minutes due to lack of quorum, the new start time had to be 18:30 hours).

e) Notice boards published information about the EGM for the first time just two days before the meeting. Partial evidence (much more was collected):

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Block-A-notice-board-no-agenda-for-EGM-scheduled-for-22Feb2024-photo-3-19Feb2024.webp>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Block-B-notice-board-no-agenda-for-EGM-scheduled-for-22Feb2024-photo-1-19Feb2024.webp>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Block-B-notice-board-agenda-for-EGM-scheduled-for-22Feb2024-published-for-first-time-photo-1-20Feb2024.webp>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-letterbox-notice-board-agenda-for-EGM-scheduled-for-22Feb2024-published-for-first-time-photo-1-20Feb2024.webp>

f) Waratah Strata Management and committee members failed to respond to legal requirements:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-evidence-from-Zoom-chat-request-to-announce-names-of-valid-owners-to-vote-EGM-22Feb2024.png>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-evidence-from-Zoom-chat-Lot-158-concerns-ignored-EGM-22Feb2024.png>

g) After Lot 158 requested document search fourth time on 30 January 2024, Waratah Strata Management urgently organised another Extraordinary General Meeting on 31 January 2024, with motions for major renovation applications by Lots 8, 86, and 116, without disclosure that Lot 86 already started it without approval:

<https://www.sp52948-news.info/SP52948-Waratah-Strata-Management-and-Uniqueco-Property-Services-repeatedly-allow-excessive-noise-and-pollution-during-renovations-that-were-not-properly-approved-at-general-meetings.html>

h) On 18 February 2024, four days before another Extraordinary General Meeting, Lot 158 sent email to Waratah Strata Management and committee members, with details of discrimination against owners, which benefited some owners, like Lot 7:

<https://www.sp52948-news.info/SP52948-discrimination-and-special-privileges-for-selective-owners-18Feb2024.html>

At EGM on 22 February 2024, one of the Motions was to waive interest for overdue levy payments for Lot 7.

Lot 7 sent email with complaint to Waratah Strata Management on 14 December 2023 at 10:47 hours.

On 19 December, at 15:12 hours, Waratah Strata Management responded to Lot 7 stating that their request would be added as Motion for next general meeting.

This highlighted another problem: at EGM on 30 November 2023, Lot 7 was counted as valid owner who did not have overdue levies, allowed to attend and vote. Waratah Strata Management withheld information that SSMA 2015, Part 4 - Voting rights and voting procedures, Division 1 - General rights to vote, 23 Persons entitled to vote at general meetings in paragraph (8) stated:

Voting rights cannot be exercised if contributions not paid - A vote at a general meeting (other than a vote on a motion requiring a unanimous resolution) by an owner of a lot or a person with a priority vote in respect of the lot does not count if the owner of the lot was an unfinancial owner at the date notice of the meeting was given and did not pay the amounts owing before the meeting.

On 29 and 30 January 2024, Waratah Strata Management did not give such option to Lot 104. This is an absolute and irrefutable evidence of discrimination.

We voted against this proposal on grounds of clearly-defined NSW strata laws, long-term negative balance in Admin Fund (we need to collect overdue levies from all owners equally), and discrimination against some owners that Waratah Strata Management (and its predecessor BCS Strata Management) allowed in the past (they selectively waive overdue costs for some owners, causing financial losses in owners funds):

1. Strata levies must be paid even when receipt of levy notice is missing - Section 83(4) of SSMA 2015 provides, in similar terms to Section 78(6) of the SSMA 1996, that regular periodic contributions are taken to have been duly levied on an owner of a lot even though notice levying the contributions was not given to the owner.

2. As regulated by Fair Trading:

*Each owner and/or property manager needs to be aware of their owners corporation levy cycle.
If money is not received to the trust account at the end of one month after it is due and payable, it bears interest at the rate of 10% (as prescribed by the regulations) from the due date until it is paid.*

Owners corporation may, by special resolution at general meeting, determine (either generally or in particular case) that a contribution is to bear no interest.

Strata manager does not have authority to waive the interest as it is not money owing to the strata manager.

The Courts have determined that non-receipt of a levy notice is not a sufficient reason for non-payment.

If a lot is sold and there are unpaid levies, then both the owner at the time the contributions were levied and the new owner are jointly and severally liable for the payment of the contribution and the interest payable.

If a lot is sold and there are unpaid levies, then both the owner at the time the contributions were levied and the new owner are jointly and severally liable for the payment of the contribution and the interest payable.

3. Waratah Strata Management deliberately shaming selective owners for overdue levies. As of 10 November 2024, out of 201 strata documents on Waratah Strata Management website, only four owners were singled out and their late levy payments exposed to all owners, which is very unsettling:

Lot 40
Lot 104
Lot 169
Lot 178

There are many more owners with outstanding levies but they are not listed. It is questionable why only four owners were published.

i) Numerous problems with these renovation applications.

Lot 8

- Motion must be ruled as "out of order" as they conflicted with the Act, were unlawful, and unenforceable. According to Strata Community Association (NSW), definition of a Motion:

A proposal put forward for consideration at a meeting. A well written motion will enable the lot owner or committee member to vote yes (for) or no (against) on the matter.

A motion must clearly state the proposal to be considered at the meeting.

*Motion must clearly state if an ordinary, special, or unanimous resolution is required.
The notice must also:*

*State the intention to propose the resolution as a ordinary, special, or unanimous resolution; and
Set out the proposed resolution in full.*

- Application provided expired dates for the work:

Proposed start date: 15/Jan/2024
Proposed finish date: 19/Jan/2024

- No evidence that Lot 8 paid application fee in amount of \$120.00 (plus GST) for the strata manager to review the application, search by-laws and obtain instructions from the strata committee
- No evidence that Lot 8 paid bond in amount of:

\$1,000.00 if total cost of works is less than \$20,000.00
\$5,000.00 if total cost of works is less than \$20,000.00
- No evidence that Lot 8 paid or would pay legal costs in amount of \$500.00 for registering updates to Consolidated By-Laws
- No evidence that Lot 8 paid strata manager's reasonable costs for holding a general meeting to approve the major renovation (including printing and postage of agendas and minutes) and the costs of preparation and attendance at that meeting
- No evidence that Lot 8 provided a dilapidation report as to the condition of the common property and each Lot that is immediately adjacent to (above, below, or beside) the owner's cost
- Lot 8 continued with upgrades in March and April 2024 and even May 2024 (photo evidence collected).

Lot 86

- Motion must be ruled as "out of order" as they conflicted with the Act, were unlawful, and unenforceable. According to Strata Community Association (NSW), definition of a Motion:

A proposal put forward for consideration at a meeting. A well written motion will enable the lot owner or committee member to vote yes (for) or no (against) on the matter.

A motion must clearly state the proposal to be considered at the meeting.

Motion must clearly state if an ordinary, special, or unanimous resolution is required.

The notice must also:

State the intention to propose the resolution as a ordinary, special, or unanimous resolution; and

Set out the proposed resolution in full.

- Application did not provide any dates dates for the work.
- No evidence that Lot 86 paid application fee in amount of \$120.00 (plus GST) for the strata manager to review the application, search by-laws and obtain instructions from the strata committee
- No evidence that Lot 86 paid bond in amount of:

\$1,000.00 if total cost of works is less than \$20,000.00
\$5,000.00 if total cost of works is less than \$20,000.00
- No evidence that Lot 86 paid or would pay legal costs in amount of \$500.00 for registering updates to Consolidated By-Laws
- No evidence that Lot 86 paid strata manager's reasonable costs for holding a general meeting to approve the major renovation (including printing and postage of agendas and minutes) and the costs of preparation and attendance at that meeting
- No evidence that Lot 86 provided a dilapidation report as to the condition of the common property and each Lot that is immediately adjacent to (above, below, or beside) the owner's cost
- Lot 86 already started renovations without approval as per collected evidence of 30 January 2024.

Lot 116

- Motion must be ruled as "out of order" as they conflicted with the Act, were unlawful, and unenforceable. According to Strata Community Association (NSW), definition of a Motion:

A proposal put forward for consideration at a meeting. A well written motion will enable the lot owner or committee member to vote yes (for) or no (against) on the matter.

A motion must clearly state the proposal to be considered at the meeting.

Motion must clearly state if an ordinary, special, or unanimous resolution is required.

The notice must also:

State the intention to propose the resolution as a ordinary, special, or unanimous resolution; and

Set out the proposed resolution in full.

- Application does not provide any scope for the work.
- Application does not provide any dates dates for the work.

- No evidence that Lot 116 paid application fee in amount of \$120.00 (plus GST) for the strata manager to review the application, search by-laws and obtain instructions from the strata committee
- No evidence that Lot 116 paid bond in amount of:
\$1,000.00 if total cost of works is less than \$20,000.00
\$5,000.00 if total cost of works is less than \$20,000.00
- No evidence that Lot 116 paid or will pay legal costs in amount of \$500.00 for registering updates to Consolidated By-Laws
- No evidence that Lot 116 paid strata manager's reasonable costs for holding a general meeting to approve the major renovation (including printing and postage of agendas and minutes) and the costs of preparation and attendance at that meeting
- No evidence that Lot 116 provided a dilapidation report as to the condition of the common property and each Lot that is immediately adjacent to (above, below, or beside) the owner's cost

j) Amendments of previous EGM and AGMs as submitted by Lot 158 were ignored and not included for EGM on 22 February 2024:

<https://www.sp52948-news.info/SP52948-AGM-2023-misconducts-and-risks-24Oct2023.pdf>

<https://www.sp52948-news.info/SP52948-Waratah-Strata-Management-failed-to-respond-to-concerns-about-incomplete-agenda-for-EGM-2023-10Nov2023.html>

<https://www.sp52948-news.info/SP52948-AGM-2023-dubious-invoices-24Oct2023.pdf>

<https://www.sp52948-news.info/SP52948-Lot-158-unresolved-common-property-issues-Oct2023.pdf>

<https://www.sp52948-news.info/SP52948-Motions-by-Lot-158-EGM-public-30Oct2023.pdf>

<https://www.sp52948-news.info/SP52948-Lot-7-with-overdue-levies-on-8Nov2023-allowed-to-vote-and-attend-EGM-on-30Nov2023.pdf>

k) Any changes to a strata scheme's by-laws by an owners corporation will not come into effect until they are recorded on the folio of the Register for the common property with NSW LRS (Section 141 of the Strata Schemes Development Act 2015).

l) No owner received updates to Consolidated By-Laws since 18 November 2022, as Waratah Strata website showed on 27 November 2024:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-waratahstrata-Documents-folder-page-1-27Nov2024.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-waratahstrata-Documents-folder-page-2-27Nov2024.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-waratahstrata-Documents-folder-page-3-27Nov2024.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-waratahstrata-Documents-folder-page-4-27Nov2024.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-waratahstrata-Documents-folder-page-5-27Nov2024.pdf>

Further more, Lot 158, at paid document search on 13 November 2024, also could not find any updates to By-Laws, as required for all major renovations since 2022.

m) There is no evidence that each tenant in the complex (number is close or even above 50% of all properties), received a copy of the updated by-laws from real estate or landlord within 14 days of signing the rental contract.

If by-laws or the management statement change, tenants must be given a new copy within 14 days of the change starting.

Motion 2. CHAIRPERSON'S REPORT

- a) Unsigned (who acted as Chairperson?) and undated report.
- b) Chairperson's statements are highly defamatory, based on false statements, and deliberately vague.

Waratah Strata Management and committee members were requested to provide responses and back them up with evidence to Lot 158 in email dated 5 November 2024.

- c) Waratah Strata Management failed to disclose these documents (too many to list herewith) to owners before, at, and after NCAT case SC 20/33352, whilst engaging in fraudulent activities:

<https://www.sp52948-news.info/SP52948-NCAT-case-SC-20-33352-dismissal-without-looking-at-evidence.html>

<https://www.sp52948-news.info/SP52948-statutory-declaration-for-NCAT-case-20-33352-which-Waratah-Strata-Management-refused-to-provide-to-owners-Aug2020.pdf>

<https://www.sp52948-news.info/Lot-158-letter-to-NCAT-20-33352-1Feb2021.pdf>

<https://www.sp52948-news.info/Lot-158-submission-to-court-strong-case-for-Solicitor-Adrian-Mueller-being-accessory-before-and-after-insurance-fraud-five-times-CTTT-12-32675-and-NCAT-20-33352.pdf>

In his belated single document (4-pages) submission to NCAT, Solicitor Adrian Mueller provided false statement that committee members and Waratah Strata Management did not receive access to Lot 158 secure website document. That lie is easy to refute – these are emails sent to each committee member (Mr. Robert Crosbie from Waratah Strata Management refused to provide email address of Mrs. Marianna Paltikian):

SUMMARY: NCAT SC 20/33352 and files for John Gore	25/9/20, 15:52
SUMMARY: NCAT SC 20/33352 and files for Stan Pogorelsky	25/9/20, 15:53
SUMMARY: NCAT SC 20/33352 and files for Moses Levitt	25/9/20, 15:55
SUMMARY: NCAT SC 20/33352 and files for Thomas Karolewsky	25/9/20, 15:57
SUMMARY: NCAT SC 20/33352 and files for Jeffery Wang	25/9/20, 15:59
Fwd: SUMMARY: NCAT SC 20/33352 and files for EC members	25/9/20, 16:09

Solicitor Adrian Mueller also hid information that Waratah Strata Management failed to notify all owners and provide them with all legal files, as per Lot 158 email to Mr. Robert Crosbie on 29 September 2020 at 12:13 hours:

Not to be shared with any party without disclosure.

No files can be shared with any party without disclosure.

This information can and should be provided by the Secretary of the committee to ALL owners as part of AGM 2020 agenda (safest option is to publish it on Waratah Strata web portal).

URL <https://www.vk2cot.id.au/NCAT-20-33352/>

Login sp52948user

Password (redacted)

For security reasons, and in compliance with laws, access is monitored at all times.

Solicitor Adrian Mueller further coerced NCAT to not allow delays of the proceedings because it would “prejudice” owners as strata manager and committee members (who had six months to prepare) did not do it:

- 14 Mr Mueller further submitted that if leave was rescinded at the hearing it would prejudice the ability of the owners corporation to present its case, as the strata manager and strata committee members had not prepared on the basis that they may have to present the case for the owners corporation at the hearing.

In the end, NCAT simply ignored Lot 158 evidence, based on fact that strata manager and committee members refused to view Lot 158 submitted files:

- 27 The applicant’s documents also contained purported links to websites that Lot 158 asserted supported his complaints against certain strata committee members; Mr Mueller; and the strata manager.
- 28 The Tribunal did not investigate any of the links provided by Lot 158 as it would have been clearly procedurally unfair to the owners corporation for the Tribunal to view material which had not been filed and served in the proceedings and which the owners corporation could not see at the hearing as the hearing was conducted by telephone.

On 23 November 2024, Waratah Strata Management (Cc-ed to Uniqueco Property Services and several committee members), was asked to prepare responses (with evidence) for:

For AGM 2024, Waratah Strata Management needed to prepare additional information:

- How did Waratah Strata Management comply with order at committee meeting on 7 May 2020 to sign the costs agreement of barrister under common seal for and on behalf of the Owners Corporation, who was requested to respond to the letter received from O'Brien Criminal & Civil Solicitors?
- How did Waratah Strata Management confirm that there was no conflict of interest by Solicitor Adrian Mueller in email on 21 June 2019, when Solicitor was asked to "help" with obtaining copy of USB key which Police lost a year earlier without disclosure to any owner?
- How did Waratah Strata Management (email by Solicitor Adrian Mueller on 9 June 2022) engage independent legal advice about Lot 158 serious allegations of Solicitor Adrian Mueller's misconduct and what was the outcome of such activity?

d) Can Chairperson refute these facts:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-31Aug2024-downloaded-on-9Nov2024.pdf>

Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
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Administrative Fund			
		Current period	Previous year
		01/09/2023-31/08/2024	01/09/2022-31/08/2023
181100	Reimbursements - Gas Usage	495.01	636.80
181101	Reimbursements - Water Usage	3,153.89	4,520.54
190200	Utility--Electricity	54,838.28	53,704.10
190400	Utility--Gas	30,053.99	27,768.79
190800	Utility--Rubbish Removal	72.27	0.00
191200	Utility--Water & Sewerage	107,238.20	100,993.06
Total expenses		1,001,164.29	903,398.93
Surplus/Deficit		(51,705.02)	(69,680.22)
Opening balance		6,120.73	75,800.95
Closing balance		<u><u>-\$45,584.29</u></u>	<u><u>\$6,120.73</u></u>

... which was confirmed in Economos Audit on 21 October 2024:

Strata Plan 52948

Notes to the Financial Statement For the Year Ended 31 August 2024

(e) Deficit for the year

As at year end, the Administrative Fund is in deficit amounting to \$45,584.29.

The 'Act' allows for loans between funds, but not for a period greater than 3 months. Strata Schemes Management Act 2015 - Section 76 Part (2) states that "The Owner's Corporation must, not later than 3 months after the transfer or use, determine by resolution at a general meeting whether the money, or part of the money, should be reimbursed to the fund from which it was transferred or paid."

Section 79 Part (3) requires that "When estimating amounts needed to be credited to the administrative fund or the capital works fund, the Owners Corporation must have before it, and take into account, a statement of the existing financial situation of the strata scheme and an estimate of receipts and payments."

When the budget is being considered by the Owners Corporation at the next Annual General Meeting, the Administrative Fund should be brought back into surplus by increasing the annual budget for the fund in deficit to cover both the anticipated expenditure for the financial year plus the deficit brought forward from the previous year.

By the same token and same accounting processes implemented by Waratah Strata Management themselves, negative balance (deficit) in Admin Fund was -\$325,441.80 on 31 October 2024, and the figure did not include liabilities for second half-year insurance premiums in amount of around \$122,690.28:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2024-to-31Oct2024-downloaded-on-9Nov2024.pdf>

181100	Reimbursements - Gas Usage	115.34	495.01
181101	Reimbursements - Water Usage	1,312.88	3,153.89
190200	Utility--Electricity	9,949.90	54,838.28
190400	Utility--Gas	15,239.86	30,053.99
190800	Utility--Rubbish Removal	0.00	72.27
191200	Utility--Water & Sewerage	25,084.65	107,238.20
Total expenses		280,240.84	1,001,164.29
Surplus/Deficit		(279,857.51)	(51,705.02)
Opening balance		(45,584.29)	6,120.73
Closing balance		<u><u>-\$325,441.80</u></u>	<u><u>-\$45,584.29</u></u>

e) Fire and safety orders were based on long-term non-compliance with stringent fire safety regulations, which BCS Strata Management and Waratah Strata Management ignored:

<https://www.sp52948-news.info/SP52948-Peter-Bone-BCS-Strata-Management-ignored-report-on-costly-delays-in-rectifying-fire-safety-problems-31Jul2013.html>

<https://www.sp52948-news.info/SP52948-BCS-Strata-Management-ignored-repeated-request-to-prepare-report-on-buildings-and-fire-safety-for-AGM-2013-6Sep2013.html>

<https://www.sp52948-news.info/SP52948-and-BCS-Strata-Management-aware-of-fire-safety-risks-17-owners-with-illegal-locks-on-doors-9Mar2015.png>

<https://www.sp52948-news.info/SP52948-Ryde-Council-complaining-to-BCS-Strata-Management-about-repeatedly-not-responding-to-fire-safety-issues-3Nov2016.webp>

<https://www.sp52948-news.info/SP52948-BCS-Strata-Management-ignored-second-request-for-official-response-fire-door-Lot-158-non-compliance-with-1905.1-and-AS1530.4-25Apr2016.html>

https://www.sp52948-news.info/Re_SP52948-Waratah-Strata-Management-failed-to-rectify-problems-and-notify-owners-of-fire-safety-risks-smoke-detectors-and-other-issues-8Mar2020.pdf

https://www.sp52948-news.info/SP52948-repeated-concerns-reported-to-Waratah-Strata-Management-Fire-NSW-FRN16_829-BFS20_252-and-Fair-Trading-Files-9363613-and-9761719-persistent-fire-safety-issues-and-lack-of-actions-18Mar2020.html

<https://www.sp52948-news.info/SP52948-concerns-submitted-to-Waratah-Strata-management-about-70-owners-not-provided-access-for-fire-safety-checks-on-21-January-2020-and-the-issue-still-outstanding-as-of-10Mar2020.html>

<https://www.sp52948-news.info/SP52948-delays-with-orders-to-rectify-ongoing-fire-and-safety-problems-Nov2021.pdf>

<https://www.sp52948-news.info/SP52948-email-between-building-manager-and-Waratah-Strata-Manager-delaying-fire-safety-remediation-due-to-lack-of-offical-orders-by-Council-4Feb2021.webp>

<https://www.sp52948-news.info/SP52948-continuous-delays-with-fire-and-OHS-problems.html>

Waratah Strata Management is known for failing fire safety orders for other complexes too:

<https://www.sp52948-news.info/SP95535-Waratah-Strata-Management-problems-with-fire-safety-orders-20Sep2019.pdf>

City of Ryde orders are hidden from owners by Waratah Strata Management and Uniqueco Property Services since 2019.

Alleged CORE Consulting Engineers tender for SP52948 (full details have never been provided to owners) as sent in agenda for committee meeting on 17 May 2024 and Annual General Meeting on 8 October 2024 differed only by date and signature of the sender, in spite of concern on page 2:

“In summary CORE recommend engagement of Superior Fire Services for the works. Note the costs provided are not final and additional surveying will be required to finalise the cost. This assessment does not constitute final project costs which may be subject to variations.”

Five and half months passed since that report and no further analysis has been done, preventing owners corporation from making fully informed decisions, in spite of SUU (Strata Unit Underwriters) warning on 24 September 2024:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Insurance-Policy-24Sep2024.pdf>

“Building Defects

Additional policy exclusion Building Defects and remedial work exclusion (applicable to all sections)

We will not pay any claims for Damage, Personal Injury, Property Damage, Loss, or legal expenses caused directly or indirectly by, contributed by or arising from any of the defect in any item, structural defect, faulty design, faulty workmanship error or omission as outlined within the report issued by Fire and rescue NSW dated 08/11/2019 and any subsequent reports.

Risk Survey

Cover under this policy is subject to a Risk Survey being conducted by Strata Unit Underwriters and implementation by the insured of any suggested risk improvements within 60 days of request.

Should the insured not make the reasonable suggested risk improvements within 60 days of request, and should the Risk Survey of the premises show an increased risk of loss, damage or liability in relation to the premises, Strata Unit Underwriters may charge an additional premium, change the cover of your policy and/or impose special conditions to reflect the increased risk of loss, damage or liability. Strata Unit Underwriters may also cancel the policy if permitted by the Insurance Contracts Act 1984 (Cth).

It is important for the insured to know that Strata Unit Underwriters may make changes to this Policy as a result of a change in the insured's information. When there is a change, Strata Unit Underwriters will inform you. If the insured is not satisfied with the changes, the insured may cancel the policy.”

Excluding FY 2024 (Waratah Strata Management claimed there were no payments for “Maint Bldg -- Consultants Code 164200” in agenda for pending Annual General Meeting in November 2024), Core Consulting Engineers was paid \$20,250.00 (GST excl) in previous years.

For FY 2023 alone, Waratah Strata Management and Uniqueco Property Services failed to justify invoices and expenses in amount of \$122,843.87 (GST excl) before, at, and after AGM 2023, which include these payments related to fire orders:

Payment Date	Payee	Amount (GST excl)
29/11/2022	Austech Consulting Engineers	\$11,400.00
18/04/2023	GRS Building Reports	\$4,000.00
22/05/2023	Austech Consulting Engineers	\$26,600.00
19/12/2022	Uniqueco Property Services	\$210.00
28/03/2023	Uniqueco Property Services	\$140.00

f) Waratah Strata Management failed to notify owners of real reasons for insurance and other risks:

<https://www.sp52948-news.info/SP52948-Waratah-Strata-Management-and-undeclared-expired-insurance-in-FY-2022.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-insurance-OHS-and-other-risks-Aug2024.pdf>

<https://www.sp52948-news.info/SP52948-underinsured-large-strata-complex-for-catastrophe-events-FY-2023.pdf>

<https://www.sp52948-news.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-8Jun2023.html>

<https://www.sp52948-news.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-2-19Jun2023.html>

<https://www.sp52948-news.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-3-19Jul2023.html>

<https://www.sp52948-news.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-4-18Aug2023.html>

<https://www.sp52948-news.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-5-12Sep2023.html>

<https://www.sp52948-news.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-6-13Sep2023.html>

<https://www.sp52948-news.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-7-26Sep2023.html>

<https://www.sp52948-news.info/SP52948-disappearing-insurance-payments-between-4Aug2022-and-31Aug2022-page-1.png>

<https://www.sp52948-news.info/SP52948-disappearing-insurance-payments-between-4Aug2022-and-31Aug2022-page-2.png>

<https://www.sp52948-news.info/SP52948-disappearing-insurance-payments-between-4Aug2022-and-31Aug2022-page-3.png>

g) Waratah Strata Management failed to co-operate and inform owners about these ongoing investigations and yet wanted to waste another \$30,000.00 of owners' money on legal costs in FY 2025 that achieved nothing in the past and created immense bankruptcy and legal risks, whilst refusing to inform owners:

- Police Event for fraud and criminal activities of Solicitor Adrian Mueller
- Office of Legal Services Commissioner's case for professional misconduct of Solicitor Adrian Mueller

<https://www.sp52948-news.info/SP52948-Solicitor-Adrian-Mueller-failed-to-comply-with-Tribunal-orders-six-times-while-not-authorised-to-represent-owners-corporation-in-period-2012-to-2021.pdf>

<https://www.sp52948-news.info/SP52948-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2017.pdf>

<https://www.sp52948-news.info/SP52948-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2018.pdf>

<https://www.sp52948-news.info/SP52948-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2020.pdf>

<https://www.sp52948-news.info/SP52948-Lot-158-letter-to-NCAT-20-33352-concerns-about-Solicitor-Adrian-Mueller-1Feb2021.pdf>

<https://www.sp52948-news.info/SP52948-Lot-158-cost-submission-reply-ignored-by-Solicitor-Adrian-Mueller-in-Supreme-Court-27Feb2022.pdf>

<https://www.sp52948-news.info/SP52948-discrepancies-between-Solicitor-Adrian-Mueller-legal-and-insurance-payments-FY-2022-and-2023.pdf>

https://www.sp52948-news.info/Brief-evidence-of-Solicitor-Adrian-Mueller-involvement-in-fraudulent-activities-in-CTTT-case-SCS-12_32675.pdf

https://www.sp52948-news.info/Brief-evidence-of-Solicitor-Adrian-Mueller-involvement-in-fraudulent-activities-in-CTTT-case-SCS-12_50460.pdf

<https://www.sp52948-news.info/Lot-158-submission-to-court-strong-case-for-Solicitor-Adrian-Mueller-being-accessory-before-and-after-insurance-fraud-five-times-CTTT-12-32675-and-NCAT-20-33352.pdf>

h) Owners did not receive copies of the mediation case 994497 and it was not published on Waratah Strata website - Application for Mediation SP52948 Case – 00994497 - Enforce legal requirements in accordance with SSMA 2015, Sections 132, 150, 188, 232, and 238:

- Provide strata documents as per paid searches (they are required for active Police Event for fraud and other criminal activities, investigations by OLSC for professional misconduct by Solicitor Adrian Mueller, and investigations by NSW Fair Trading), as per SSMA Section 188:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Lot-158-request-access-to-strata-documents-2Sep2024.pdf>

- Rescind Special By-Law 11 "Unreasonable Communications", as per SSMA Section 150:

<https://www.sp52948-news.info/SP52948-used-Unreasonable-Communications-Special-By-Law-against-Lot-158-seven-times-without-disclosure-to-NCAT-SC-20-33352.pdf>

- Order removing members of the executive committee, as per SSMA 2015 Section 238 (a): Mr. Stan Pogorelsky, Mr. Jeffery Wang, Mr. Ramesh Kamini, Mr. Carlos Fornieles Montoya, Ms. Kathryn Cutler, Mrs. Marianna Paltikian, and Ms. Genelle Godbee.
- Order Lot 151 to repair unauthorized changes to common property and illegal exclusive rights to common property, as per SSMA 2015 Section 132.
- Resolve long-term disputes and complaints about mismanagement of the complex as per SSMA 2015 Section 232, including:

Hold meetings in accordance with SSMA 2015 (detailed agenda sent on time, published on notice boards and on strata manager website), and minutes sent to owners and published on notice boards and strata manager website within prescribed schedules,

Assist Police, OLSC, NCAT, and NSW Fair Trading in their current and pending investigations,

Publish up-to-date detailed expenses and detailed revenue for Admin and Capital Works Fund in agenda for every general meeting (Annual and Extraordinary),

Publish all fire safety orders and yearly fire audits on strata manager website and notice boards, and send to all owners,

Promptly terminate strata management agency and building manager due to non-compliance with their contracts and poor performance, and re-tender,

Promptly resolve long-term common property issues in Lot 158, as per repeated emails sent to Waratah Strata Management and Uniqueco Property Services:

<https://www.sp52948-news.info/SP52948-unresolved-common-property-maintenance-issues-in-Lot-158.html>

Proactively maintain common property, with special emphasis on ageing roof membranes on the four buildings, roofs on 28 townhouses, painting of interiors in four buildings, and hot water upgrades,

Promptly comply with fire safety orders issued several times by City of Ryde Council,

Promptly review requirements for Admin and 10-Year Capital Works plans, based on real needs to protect value of the complex,

Provide equal services to all owners and tenants for repairs of common property,

Enforce compliance with by-laws for smoking, parking on common-property.

Enforce repayments for overdue levies (including gas heating levies) and overcharges by Uniqueco Property Services.

- SSMA 2015 Section 238 (b) - Orders prohibiting strata manager and committee to make certain decisions without general meetings: revoke authority for strata manager to renew insurance on behalf of owners corporation without owners corporation decision at legally-convened meetings, revoke authority for strata manager to renew or sign any major contract on behalf of owners corporation (utilities, elevators, painting, major maintenance and upgrades).

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Lot-158-request-access-to-strata-documents-2Sep2024.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-NSW-Fair-Trading-mediation-case-994497-with-requested-outcomes-Aug2024.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-committee-members-NSW-Fair-Trading-mediation-case-994497-Aug2024.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-NSW-Fair-Trading-mediation-case-994497-Aug2024.pdf>

i) Waratah Strata Management could not provide any response to question at which legally-convened meeting the decision was made not to attend the FREE mediation. Here is a secret version of the agenda for non-compliant meeting on 19 September 2024 that was sent to selective owners only:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-secret-agenda-EC-meeting-19Sep2024.pdf>

j) How far Waratah Strata Management went is best proven through explicit usage of so-called “Unreasonable Communications”, discriminatory Special By-Law, as advised by Solicitor Adrian Mueller, which so far allowed Waratah Strata Management to ignore owner’s complaints seven times:

- Motions 18 and 19 at AGM on 18 October 2018, with unqualified and baseless threats, preventing owners to have access to Lot 158 Motions and vote on them.
- Motion 4 at committee meeting on 2 May 2019.
- Waratah Strata Management secret email to Fair Trading NSW on 20 May 2019 (11 days before Lot 158 was scheduled for document search in strata manager’s office), confirming that Lot 158 was not allowed to have access to strata files including Strata Roll – email was fully supported by all members of the committee.
- Motion 4 at committee meeting on 20 June 2019.
- Motion 3 at committee meeting on 29 April 2021, with further false statements and threats against Lot 158.
- Motion 6 at committee meeting on 10 February 2022 (notice of meeting not sent to all owners and minutes not published on notice board).
- Waratah Strata Management email response on 16 June 2023, refusing to deal with serious SP52948 risks and insurance fraud.

k) Waratah Strata Management, Uniqueco Property Services, and committee members were well-informed about the National Anti-Corruption Commission Act 2022 and legislation amending the Public Interest Disclosure Act 2013: fraud is dishonestly obtaining a benefit, or causing a loss, by deception or other means. Corrupt conduct includes:

Section 8(a):

Any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly:

- (i) The honest or impartial exercise of any public official’s powers, as a public official; or
- (ii) The honest or impartial performance of any public official’s functions or duties as a public official.

Motion 3. FINANCIAL ACCOUNTS

a) Detailed Expenses report for the financial year from 01/09/2023 to 31/08/2024 is missing.

b) Detailed Revenue report for the financial year from 01/09/2023 to 31/08/2024 is missing.

c) Figure for Uniqueco Property Services for May 2024 was listed under dubious account code, standard code for "Maint Bldg -- Building Management" was 161300, but in May 2024, separate code was added in Admin Fund balance "161350 Maint Bldg -- Building Management Expenses") and kept it for one monthly salary for building management until the end of financial year (cumulative salary for the building manager stayed the same in April and May 2024 - \$262,661.61):

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-10Apr2024.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-23May2024.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-8Aug2024.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-31Aug2024.pdf>

Income & Expenditure Report listed full-year salary for Uniqueco Property Services as \$374,649.00 in account code 161300 on 31 August 2024.

Income & Expenditure Report listed extra building expenses as \$39,366.18 in account code 161350 on 31 August 2024.

In allegedly audited accounts by Economos, these figures were amended and presented in agenda for AGM 2024:

Account code 161300 listed full-year salary for Uniqueco Property Services as \$400,473.21 on 31 August 2024.

Account code 161350 listed extra building expenses as \$14,539.42 on 31 August 2024.

Difference between audited accounts and Income & Expenditure Report for August 2024 for full-year salary for Uniqueco Property Services in account code 161300 reveals figure of \$25,824.21, which is quite an undervalued figure and not factual.

d) In FY 2024 Capital Works budget, as presented and allegedly approved at AGM 2023, \$0.00 (GST excl) was planned for pool renovation, but \$27,073.18 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.

By the same token, in FY 2023 Capital Works budget, as presented and allegedly approved at AGM 2022, \$0.00 (GST excl) was planned for pool renovation, but \$23,993.18 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.

e) In FY 2024 Capital Works budget, as presented and allegedly approved at AGM 2023, \$0.00 (GST excl) was planned for electrical works, but \$12,764.00 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.

f) In FY 2024 Capital Works budget, as presented and allegedly approved at AGM 2023, \$0.00 (GST excl) was planned for fire protection, but \$27,210.50 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.

By the same token, in FY 2023 Capital Works budget, as presented and allegedly approved at AGM 2022, \$0.00 (GST excl) was planned for fire protection, but \$43,711.00 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.

g) In FY 2024 Capital Works budget, as presented and allegedly approved at AGM 2023, \$0.00 (GST excl) was planned for roof gutters and downpipes, but \$10,812.00 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.

h) In FY 2024 Admin Fund budget, as presented and allegedly approved at AGM 2023, \$3,000.00 (GST excl) was planned for tree lopping/removal, but \$15,461.37 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender, in spite of advance knowledge of many trees requiring attention in the complex:

<https://www.sp52948-news.info/SP52948-risks-with-fallen-trees-and-lack-of-their-proactive-maintenance.html>

i) In FY 2024 Admin Fund budget, as presented and allegedly approved at AGM 2023, \$5,000.00 (GST excl) was planned for doors and windows, but \$10,738.36 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.

j) In FY 2024 Admin Fund budget, as presented and allegedly approved at AGM 2023, \$7,500.00 (GST excl) was planned for electrical works, but \$14,599.76 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.

k) In FY 2024 Admin Fund budget, as presented and allegedly approved at AGM 2023, \$2,000.00 (GST excl) was planned for electrical works, but \$8,023.00 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.

l) If Admin--Legal & Debt Collection Fees expenses in amount of \$4,561.93 included any payments to Solicitor Adrian Mueller, they were illegal because alleged committee meeting dated 2 April 2024, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW):

- Agenda was created on 26 March 2024 and scheduled for 2 April 2024. Excluding date of creation, meeting date, public holidays, and the weekend, only two days were allowed for delivery of notice to all owners. As per Strata Roll dated 31 January 2017, more than 32% of owners had requested postal delivery of notices – that figure is hidden from owners by Waratah Strata Management in subsequent years.
- Access to current Strata Roll was disabled by deliberate actions of strata manager.
- No owner received full information about financial status, where Admin Fund had deficit (negative balance) of \$190,762.04 one day before alleged agenda was sent to owners:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-25Mar2024.pdf>

- Even worse, no owner received full information about financial status, where Admin Fund had deficit (negative balance) of -\$200,148.73 on the day of the alleged meeting:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-2Apr2024.pdf>

- Agenda was not detailed, especially the details of Solicitor Adrian Mueller's costs in Standard Costs Agreement.
- Agenda did not contain details of time and place of the meeting, denying owners their right to attend in person, if they wishes so, and with 25% of voting rights to make decision any way they wanted without committee members.
- Copy of the fee proposal dated 18 March 2024 (including full cost estimate), was not provided to any owner, or published on Waratah Strata website.
- None of six notice boards published agenda of the alleged meeting at any time before the meeting (photo evidence was collected).

- Meeting did not satisfy quorum (out of four allegedly valid votes, two were not legal committee members: Mr. Ramesh Desai and Mr. Stan Pogorelsky).
- Outcome of alleged Solicitor Adrian Mueller's did not publish any information for owners:
 - (i) provide advice in relation to recent communication from Lot 158; and
 - (ii) draft additional by-law for storage of electric bikes, scooters and other electric lithium battery powered mobility equipment.

m) At SP52948 committee meeting on 22 February 2024, Waratah Strata Management was forced to admit they kept false version of financial data in Admin and Capital Works Funds for three months. Here is difference in Income & Expenditure Reports for 30 November 2023 found on Waratah Strata Management website up to 26 and modified version on 27 February 2024, with huge change in balance for Admin and Capital Works Funds:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-accounting-differences-for-status-on-30Nov2023-found-on-Waratah-Strata-Management-website-27Feb2024.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-accounting-differences-for-status-on-31Dec2023-found-on-Waratah-Strata-Management-website-27Feb2024.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-accounting-differences-for-status-on-31Jan2024-found-on-Waratah-Strata-Management-website-27Feb2024.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-accounting-differences-for-status-for-late-Feb2024-found-on-Waratah-Strata-Management-website-27Feb2024.pdf>

n) Admin Fund balances show real picture (thanks to six strata managers since 2017: Mr. Robert Crosbie, Mr. Simon Wicks, Mr. Frank Tallaridi, Mr. Stuart Greene, Mr. Heath Crosbie, Mr. Nicolas Cozic):

<https://www.sp52948-news.info/SP52948-negative-trends-with-Admin-Fund-under-Waratah-Strata-Management.html>

Date	SP52948 Admin Fund Balance	Comment (Strata manager: Waratah Strata Management)
31/08/2023	\$6,120.73	End of Financial Year 2023 Four different versions of this figure exist: \$18,759.11 in report on 31 August 2023, \$14,903.11 in report on 6 September 2023, \$10,652.86 in report on 16 September 2023, and audited accounts on 11 December 2023 (46 days after legally due date) was \$6,120.73; number of invoices and work moved into new financial year to give appearance of positive balance September 2023, and \$10,652.86 in report on 16 September 2023; number of invoices and work moved into new financial year to give appearance of positive balance
01/09/2023		Start of new Financial Year 2024
06/09/2023	\$11,384.11	
25/09/2023	-\$33,571.30	
04/10/2023	-\$39,259.22	
11/10/2023	-\$239,193.82	
18/10/2023	-\$272,482.76	
26/10/2026	-\$307,580.90	Day of Annual General Meeting, Waratah Strata Management did not allow owners to have this information
31/10/2023	-\$312,113.03	End of FY quarter - Highest negative balance for SP52948 ever achieved
01/11/2023	-\$106,308.01	After collection of new levies
30/11/2023	-\$161,825.50	November 2023 monthly salary for building manager Uniquenco Property Services not reported until February 2024; Uniquenco Property Services contract renewed without valid tender with increased salary of around 30%
31/12/2023	-\$211,727.23	November 2023 monthly salary for building manager Uniquenco Property Services not reported until February 2024
31/01/2024	-\$309,762.23	End of FY quarter; November 2023 monthly salary for building manager Uniquenco Property Services not reported until February 2024
01/02/2024	-\$60,370.94	After collection of new levies; November 2023 monthly salary for building manager Uniquenco Property Services not reported until February 2024
29/02/2024	-\$127,359.57	
10/04/2024	-\$250,998.12	
30/04/2024	-\$251,697.41	End of FY quarter
01/05/2024	-\$3,632.01	After collection of new levies
23/05/2024	-\$100,522.75	
31/05/2024	-\$100,644.49	End of FY quarter
16/06/2024	-\$164,511.55	
10/07/2024	-\$211,628.93	
31/07/2024	-\$261,781.53	End of FY quarter
01/08/2024	-\$16,766.81	After collection of new levies
08/08/2024	-\$63,048.35	
31/08/2024	-\$45,584.29	End of Financial Year 2024 Five different versions of this figure exist: -\$76,650.88 in report on 31 August 2024, -\$82,495.29 in report on 5 September 2023, -\$89,919.55 in report on 13 September 2024, -\$71,490.05 in report on 17 September 2024, and -\$45,584.29 on 18 October 2024

n) In FY 2024 (financial year starting on 1 September 2023), SP52948 Admin Fund reached negative balance (deficit) of -\$312,113.03 on 31 October 2023:

<https://www.sp52948-news.info/SP52948-Income-and-Expenditure-Report-1Sep2023-to-31Oct2023.pdf>

o) SP52948 Balance Status on 31 August 2024, end of FY 2024 - Admin Fund had negative balance of -\$45,584.29. Five different versions of this figure exist: -\$76,650.88 in report on 31 August 2024, -\$82,495.29 in report on 5 September 2023, -\$89,919.55 in report on 13 September 2024, -\$71,490.05 in report on 17 September 2024, and -\$45,584.29 on 18 October 2024.

p) Economos Auditor, who along with Waratah Strata Management, failed to comply with SSMA 2015 and SSMR 2016 four times for SP52948 Annual General Meetings since 2018 (in two other years the data was incorrect and questionable), reported the following in their FY 2024 audit (financial year ending on 31 August 2024) on 21 October 2024:

<https://www.sp52948-news.info/SP52948-Economos-Audit-report-FY-ending-31Aug2024.pdf>

"As at year end, the Administrative Fund is in deficit amounting to \$45,584.29.

The 'Act' allows for loans between funds, but not for a period greater than 3 months. Strata Schemes Management Act 2015, Section 76 Part (2) states that "The Owner's Corporation must, not later than 3 months after the transfer

or use, determine by resolution at a general meeting whether the money, or part of the money, should be reimbursed to the fund from which it was transferred or paid."

Section 79 Part (3) requires that "When estimating amounts needed to be credited to the administrative fund or the capital works fund, the Owners Corporation must have before it, and take into account, a statement of the existing financial situation of the strata scheme and an estimate of receipts and payments."

When the budget is being considered by the Owners Corporation at the next Annual General Meeting, the Administrative Fund should be brought back into surplus by increasing the annual budget for the fund in deficit to cover both the anticipated expenditure for the financial year plus the deficit brought forward from the previous year."

The figure of -\$325,441.80 did not include around \$122,690.28 insurance premium (GST excl) for the second half of FY 2025. Taking that into account, more realistic negative balance (deficit) in Admin Fund on 31 August 2024 would be \$448,132.08.

That was not done in SP52948 (illegal movement of money):

13/09/2023, -\$37,050.64, 13 days after collection of new levies

31/10/2023, -\$312,113.03 End of FY quarter

1/11/2023, -\$106,308.01 After collection of new levies

31/01/2024, -\$309,762.23 End of FY quarter; November 2023 monthly salary for building manager Uniqueco Property Services in amount of \$29,866.24 (GST excl) hidden until late February 2024

01/02/2024, -\$60,370.94 After collection of new levies; November 2023 monthly salary for building manager Uniqueco Property Services in amount of \$29,866.24 (GST excl) hidden until late February 2024

30/04/2024, -\$251,697.41 End of FY quarter

01/05/2024, -\$3,632.01 After collection of new levies

31/07/2024, -\$261,781.53 End of FY quarter

01/08/2024, -\$16,766.81 After collection of new levies

31/08/2024, -\$45,584.29 End of FY 2024

31/10/2024, -\$325,441.80 End of FY quarter, and that figure did not include \$122,690.28 for delayed insurance premium (GST excl) for the second half of FY 2025; taking that into account, more realistic negative balance (deficit) in Admin Fund on 31 October 2024 would be -\$448,132.08

01/11/2024, -\$80,061.80 After collection of new levies

22/11/2024, -\$126,697.67

q) Since 2015, Lot 158 was warning strata managers and committee members of risks with poor budget planning and risks:

SP52948-Lots-against-legal-costs-ignored-by-EC-May2013

SP52948-Special-Levies-Looming-22Mar2015

SP52948-ongoing-issues-including-fire-and-health-safety-security-maintenance-25Aug2018

SP52948-EC-letter-to-owners-whilst-three-members-unfinancial-and-not-legal-to-be-on-the-committee-21Jul2017 (Lot 3 Mrs. Lorna Zelenzuk, Lot 147 Mr. Moses Levitt, Lot 181 Mr. Stan Pogorelsky)

SP52948-WITHOUT-PREJUDICE-Request-to-stop-wasting-strata-funds-on-legal-expenses-that-cannot-succeed-18Jun2019

r) Who approved, and on what legal grounds, these monthly payments to Uniqueco Property Services, when their contract was fixed for three years:

GST is excluded from the prices shown below.

From 1 February 2021 to 31 January 2024 [Three (3) years]

	Annual Price	Monthly Price
Day Caretaking	\$142,250.00	\$11,854.17
Pool Maintenance	\$ 12,944.00	\$ 1,078.67
Gardening	\$ 61,153.00	\$ 5,096.08
Night Caretaking	<u>\$123,394.00</u>	<u>\$ 10,282.83</u>
Total	<u>\$339,741.00</u>	<u>\$ 28,311.75</u>

Schedule 3 Hours of Coverage

- 1 The Contractor will provide Caretaking Services to the Premises between the hours of 4.00am to 7.00pm Mondays to Fridays and 9.00am to 3.00pm Saturdays and Sundays and will provide after-hours service at all times to respond to emergencies onsite within one [1] hour of notification.
- 2 The Contractor will provide a Caretaker to the Premises on Public Holidays for a 6 hour shift from 5.00am to 11.00am.
- 3 The Contractor will provide cleaning services to the Premises seven [7] days each week, which will include a minimum six [6] hours per day for Saturdays and Sundays and any Public Holidays.
- 4 The Contractor will provide a minimum of one security person on site from 7.00pm to 4.00am Mondays to Fridays, 6.30pm to 4.00am Saturdays and Sundays and 6.00pm to 4.00am Public Holidays.
- 5 Gardening and Pool hours of coverage are to be sufficient to provide all the services listed at the frequency specified to standards determined by the Quality Assurance Standard document

Date	161300 Maint Bldg--Building Management (monthly salary)
31 December 2020	\$28,371.47
31 January 2021	\$28,601.47
28 February 2021	\$28,311.75
31 March 2021	\$28,311.75
30 April 2021	\$28,311.75
31 May 2021	\$28,311.75
30 June 2021	\$28,311.75
31 July 2021	\$28,311.75
31 August 2021	\$28,311.75
30 September 2021	\$28,311.75
31 October 2021	\$28,311.75
30 November 2021	\$28,311.75
31 December 2021	\$28,311.75
31 January 2022	\$28,311.75
28 February 2022	\$28,311.75
31 March 2022	\$28,311.75
30 April 2022	\$28,311.75
31 May 2022	\$28,311.75
30 June 2022	\$28,311.75
31 July 2022	\$28,311.75
31 August 2022	\$28,311.75
30 September 2022	\$28,311.75
31 October 2022	\$28,311.75
30 November 2022	\$28,311.75
31 December 2022	\$28,311.75
31 January 2023	\$28,311.75
28 February 2023	\$28,311.75
31 March 2023	\$29,247.07
30 April 2023	\$28,877.98
31 May 2023	\$28,877.98
30 June 2023	\$28,877.98
31 July 2023	\$28,877.98
31 August 2023	\$28,877.98
30 September 2023	\$31,764.07
25 October 2023	\$28,877.98
30 November 2023	\$29,866.24
20 December 2023	\$29,517.85
31 January 2024	\$28,877.98
14 February 2024	\$38,803.44
6 March 2024	\$37,237.78
10 April 2024	\$37,716.27
23 May 2024	\$37,428.06
14 June 2024	\$37,474.33
10 July 2024	\$36,583.33 in accounting code 161300 and \$39,366.18 in accounting code 161350
8 August 2024	\$37,929.73 in accounting code 161300
13 September 2024	\$38,041.94 in accounting code 161300
16 October 2024	\$37,335.04 in accounting code 161300
20 November 2024	\$37,729.81 in accounting code 161300

Motion 4. AUDITOR

a) Current Auditor (Economos) failed to comply with Clause 21 of the Strata Schemes Management Regulations 2016 four times (requires that the accounts and financial statements of the owners corporation with budget above \$250,000.00 must be audited before presentation at Annual General Meeting (AGM) in accordance with Section 95 of the Strata Schemes Management Act 2015):

- In FY 2018, signed audited accounts differ from what Waratah Strata Management published for owners in agenda for general meeting (auditor report was 1 day late after due date on 18 October 2018 and not published even as late as 29 May 2019)
- In FY 2019, due to loss of strata files in alleged ransomware attack, it was impossible for Economos to audit invoices and other documents
- In FY 2020, Economos failed to comply with STRATA SCHEMES MANAGEMENT ACT 2015 – SECT 95, and STRATA SCHEMES MANAGEMENT REGULATION 2016 – REG 21 (auditor report was 13 days late after due date on 22 October 2020, copy never sent to owners in emails or via post)
- In FY 2021, AGM on 28 October 2021 (Admin Fund had positive balance of only \$1,019.14, but three days later on 31 October 2021 it showed negative balance of \$120,210.65 without disclosure to owners; non-compliant committee meeting on 23 September 2021 documented shortage of \$1,515,541.00 in Capital Works Fund against the forecast in April 2017 but failed to include it at the general meeting; Waratah Strata Management failed to notify owners about flaws in 10-Year Capital Works Fund plans, further delaying overdue upgrades and repairs due to lack of funds)
- In FY 2022, Economos failed to comply with STRATA SCHEMES MANAGEMENT ACT 2015 – SECT 95, and STRATA SCHEMES MANAGEMENT REGULATION 2016 – REG 21 (auditor report was 43 days late after due date on 27 October 2020, copy never sent to owners in emails or via post)
- In FY 2023, Economos failed to comply with STRATA SCHEMES MANAGEMENT ACT 2015 – SECT 95, and STRATA SCHEMES MANAGEMENT REGULATION 2016 – REG 21 (auditor report was 46 days late after due date on 26 October 2020, and only made available on Waratah Strata Management website on 14 December 2023, copy never sent to owners in emails or via post)

<https://www.sp52948-news.info/Waratah-Strata-Management-non-compliance-of-SP52948-Auditor-reports.html>

Date of Signed Auditor's Report	SP52948 Annual (AGM) or Extraordinary (EGM) General Meeting Date	Owners received Auditor's Report?	Auditor's Name/Company	Auditor's Document
18 October 2018 (1 day after due date - but not published even as late as 29 May 2019, and Solicitor Adrian Mueller rejected strata files access to O'Brien Criminal & Civil Solicitors, including auditor's reports for 2017 and 2018, on 14 November 2019, claiming that they were "likely not available" and asking "what was the purpose pressing for the records to be produced")	AGM 18 October 2018 (general meeting did not satisfy requirements for quorum and allowed unfinancial owners to vote and be elected as committee members; Waratah Strata Management complied with plan by Solicitor Adrian Mueller to prevent Lot 158 Motions at the general meeting ; Waratah Strata Management and Police failed to inform owners about massive data losses due to lost USB key for investigations in Police Event E65804633 ; while Waratah Strata Management and Economos Auditor failed to respond to inquiries about dubious utility expenses and financial accounting data for FY 2018 with unexplained differences for income and expenditure FY 2018 audited figures provided for AGM 2018 and AGM 2019 ; Waratah Strata Management prevented access to many SP52948 strata documents on 31 May 2019 and Auditor Report for FY 2017 was not found ; Waratah Strata Management prevented access to many SP52948 strata documents on 20 September 2019 and Auditor Report for FY 2017 was not found ; Waratah Strata Management and Solicitor Adrian Mueller prevented access to SP52948 strata documents on 14 November 2019 (letter sent to O'Brien Criminal & Civil Solicitors) , including admission that Auditor Report for FY 2017 likely "was not available"; Waratah Strata Management and Solicitor Adrian Mueller ignored O'Brien Criminal & Civil Solicitors request to strata documents on 24 April 2020)	No	George Venardos, Economos	SP52948-Audit-FY-ending-31Aug2018
20 September 2019	AGM 17 October 2019 (general meeting did not satisfy requirements for quorum and allowed unfinancial owners to vote and be elected as committee members - the fraud was so big that Waratah Strata Management even allowed Motion 14 to be voted before Motion 4, allowing unfinancial owners Lot 147 Mr. Moses Levitt and Lot 181 Mr. Stan Pogorelsky yet again to be elected on the committee and declined to report it in the minutes of the meeting; Waratah Strata Management complied with plan by Solicitor Adrian Mueller to prevent Lot 158 Motions at the general meeting ; Admin Fund had negative balance of \$131,852.25 without disclosure to owners ; whilst Balance Sheet reported negative balance in Admin Fund of \$131,852.25 and Income and Expenditure Report listed positive balance in Admin Fund of \$49,386.78 ; Waratah Strata Management failed to provide full details of second massive data loss in two years, which happened in February 2019 due to alleged ransomware attack, where Bitcoin ransom was paid by a third-party known to Waratah Strata Management to the threat actor in the equivalent amount of \$5,052.03 ; Waratah Strata Management contract renewed without tender or disclosure of contract details, and signed by two unfinancial committee members Mr. Stan Pogorelsky and Mr. Moses Levitt on same day as the general meeting ; Waratah Strata Management prevented access to many SP52948 strata documents on 31 May 2019 and Auditor Report for FY 2017 was not found ; Waratah Strata Management prevented access to many SP52948 strata documents on 20 September 2019 and Auditor Report for FY 2017 was not found ; Waratah Strata Management and Solicitor Adrian Mueller prevented access to SP52948 strata documents on 14 November 2019 (letter sent to O'Brien Criminal & Civil Solicitors) , including admission that Auditor Report for FY 2017 likely "was not available"; Waratah Strata Management and Solicitor Adrian Mueller ignored O'Brien Criminal & Civil	Yes	George Venardos, Economos	SP52948-Audit-FY-ending-31Aug2019

3 November 2020 (13 days after due date)	<p>Solicitors request to strata documents on 24 April 2020)</p> <p>AGM 22 October 2020 (general meeting did not satisfy requirements for quorum and allowed unfinancial owners to vote and be elected as committee members; Waratah Strata Management complied with plan by Solicitor Adrian Mueller to prevent Lot 158 Motions at the general meeting, coercing owners to vote against ratification of past events; Admin Fund had positive balance of only \$14,411.82, but three days later on 31 October 2020 it showed balance of only \$8,368.92 without disclosure to owners; Waratah Strata Management prevented the following competitive quotes from tenders for strata and building management: Strata Excellence, Strata Title Management, Netstrata, Curtis Strata Cleaning, Forte Asset Services, Clean and Secure Building Management, Jim's Mowing)</p>	No	George Venardos, Economos	SP52948-Audit-FY-ending-31Aug2020
	EGM 15 January 2021 (Agenda for EGM scheduled for 15 January 2021)	No	George Venardos, Economos	SP52948-Audit-FY-ending-31Aug2020
29 September 2021	<p>AGM 28 October 2021 (Admin Fund had positive balance of only \$1,019.14, but three days later on 31 October 2021 it showed negative balance of \$120,210.65 without disclosure to owners; non-compliant committee meeting on 23 September 2021 documented shortage of \$1,515,541.00 in Capital Works Fund against the forecast in April 2017 but failed to include it at the general meeting; Waratah Strata Management failed to notify owners about flaws in 10-Year Capital Works Fund plans, further delaying overdue upgrades and repairs due to lack of funds)</p>	Yes	George Venardos, Economos	SP52948-Audit-FY-ending-31Aug2021
7 December 2022 (43 days after due date)	<p>AGM 27 October 2022 (Waratah Strata Management complied with plan by Solicitor Adrian Mueller prevent Lot 158 Motions at the general meeting, coercing owners to vote against ratification of past events; Admin Fund had negative balance of \$169,157.11 in Balance Sheet, but in Income & Expenditure Report on the same day Admin Fund had negative balance of \$203,914.85 without disclosure to owners; Waratah Strata Management allowed \$146 million dollar SP52948 complex to have expired insurance policy for five days, creating high risks for uninsured common property; Waratah Strata Management coerced Economos Auditor to sign financial status by hiding \$10,000.00 in accounting figures for legal costs of Solicitor Adrian Mueller; payment from Misc income to AIG insurance company dated 8 August 2022 in amount of \$4,545.45 (GST excl) proves that SP52948 received payments for the SAME alleged legal costs for Solicitor Adrian Mueller from insurance company in amount of \$19,758.14 (GST excl) on 25 March 2022 (undeclared to owners and Supreme Court by Waratah Strata Management, committee members, and Solicitor Adrian Mueller himself) and Lot 158 first instalment payment in amount of \$4,545.45 (GST excl) on 2 July 2022. SP52948 was paid twice for the same legal costs in period from 2 July 2022 to 8 August 2022; Waratah Strata Management contract was renewed without tender or disclosure of contract details, and allegedly signed by committee member Mrs. Marianna Paltikian who did not disclose her gas heating connection and unpaid levies which she inherited from previous Lot 88 owner, and even voted against paying for overdue levies for gas heating at AGM 2019)</p>	No	George Venardos, Economos	SP52948-Audit-FY-ending-31Aug2022
11 December 2023 (46 days after due date, but only made available on 14 December 2023, 49 days after due date)	<p>AGM 26 October 2023 (Waratah Strata Management prevented Lot 158 Motions to hide mismanagement, criminal activities, and poor financial status; Waratah Strata Management forged SP52948 FY 2023 Auditor Report date of issue; for Admin Fund, approved balance at AGM on 26 October 2023 differed from one audited by Economos 46 days after due date by 74.04% (\$10,652.86 vs \$6,120.73); approved expenses for electricity usage and supply at AGM on 26 October 2023 differed from one audited by Economos 46 days after due date by 9.21% (\$49,171.9 vs \$53,704.10); Waratah Strata Management attempted to renew three-year contract with Uniqueco Property Services without tender and Motion; Admin Fund had negative balance of \$242,432.81 in Balance Sheet; Waratah Strata Management and Uniqueco Property Services</p>	No	George Venardos, Economos	SP52948-Audit-FY-ending-31Aug2023

did not provide proof of validity and justification of expenses in amount of \$122,843.87 (GST excl); AGM 2023 misconduct and illegal activities; Waratah Strata Management prevented owners from having information about NSW Fair Trading case 11138875 about their failures to have Auditor's reports before general meetings; Economos again completed their audit in non-compliance with regulations for AGM 2023 46 days late after due date on 11 December 2023 but Waratah Strata Management published it on their website 49 days after AGM 2023)

(Lot 158 Motions to reveal mismanagement, criminal activities, and poor financial status; Waratah Strata Management forged SP52948 FY 2024 Auditor Report date of issue - backdated it on on their website as 31 August 2024 although the report was signed on 21 October 2024; Five different versions of Admin Fund balances existed: \$76,650.88 in report on 31 August 2024, -\$82,495.29 in report on 5 September 2023, -\$89,919.55 in report on 13 September 2024, -\$71,490.05 in report on 17 September 2024, and -\$45,584.29 on 18 October 2024 but that did not include unpaid invoices in amount of \$14,595.54 for other creditors from Admin Fund and \$984.95 from Capital Works Fund; Due to lack of funds and high risks, insurance was renewed only for HALF-YEAR (until 21 March 2025) in amount of \$134,959.31 (Admin Fund reported premium costs as \$122,690.28 one month later on 23 October 2024))

21 October 2024

Yes

George Venardos, Economos SP52948-Audit-FY-ending-31Aug2024

b) For FY 2023, Auditor report was created on 11 December 2023 (46 days after due date, but only made available on 14 December 2023, 49 days after due date).

Waratah Strata Management forged SP52948 FY 2023 Auditor Report date of issue; for Admin Fund, approved balance at AGM on 26 October 2023 differed from one audited by Economos 46 days after due date by 74.04% (\$10,652.86 vs \$6,120.73); approved expenses for electricity usage and supply at AGM on 26 October 2023 differed from one audited by Economos 46 days after due date by 9.21% (\$49,171.9 vs \$53,704.10); Waratah Strata Management orchestrated renewal of three-year contract with Uniqueco Property Services without valid tender and valid Motion; Admin Fund had negative balance of \$126,629.39 in Balance Sheet; Waratah Strata Management and Uniqueco Property Services did not provide proof of validity and justification of expenses in amount of \$122,843.87 (GST excl); Waratah Strata Management did not address any of AGM 2023 misconduct and illegal activities; Waratah Strata Management did not allow owners to have information about pending legal case to terminate contract with Uniqueco Property Services; Waratah Strata Management prevented owners from having information about NSW Fair Trading case 11138875 about their failures to have Auditor's reports before general meetings.

<https://www.sp52948-news.info/SP52948-AGM-2023-dubious-invoices-24Oct2023.pdf>

<https://www.sp52948-news.info/SP52948-discrepancies-between-Solicitor-Adrian-Mueller-legal-and-insurance-payments-FY-2022-and-2023.pdf>

c) At two other AGMs, his audits were questionable and NOT corrected by Waratah Strata Management and Economos when presented with evidence:

<https://www.sp52948-news.info/SP52948-dubious-utility-expenses-and-financial-accounting-data-generated-by-Waratah-Strata-Management-for-FY2018-two-days-before-strata-document-search-29May2019.pdf>

<https://www.sp52948-news.info/SP52948-differences-for-income-and-expenditure-FY2018-audited-figures-provided-by-Waratah-Strata-Management-for-AGM-2018-and-FY2019.pdf>

<https://www.sp52948-news.info/SP52948-accounting-and-compliance-error-Economos-refused-to-respond-12Feb2023.webp>

<https://www.sp52948-news.info/SP52948-Waratah-Strata-Management-involved-in-double-charges-for-fraudulent-legal-claims-by-Solicitor-Adrian-Mueller-NCAT-case-SC-20-33352.webp>

<https://www.sp52948-news.info/SP52948-questionable-legal-costs-in-FY-2020.pdf>

d) Detailed Expenses for the financial year from 01/09/2023 to 31/08/2024 is missing.

e) Detailed Revenue for the financial year from 01/09/2023 to 31/08/2024 is missing.

f) Falsified data in Admin Fund for Uniqueco Property Services in period from November 2023 to February 2024:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Uniqueco-Property-Services-salary-from-31Aug2022-to-14Feb2024-with-falsified-data-by-Waratah-Strata-Management-since-Nov2023.png>

g) Waratah Strata Management continued to hide strata files:

<https://www.sp52948-news.info/SP52948-Lot-158-outcome-of-access-to-strata-documents-13Feb2024.pdf>

h) Waratah Strata Management failed to notify owners of offer for cost-free forensic auditor multiple times, one example is from 8 June 2019:

<https://www.sp52948-news.info/SP52948-Waratah-Strata-Management-failed-to-notify-owners-of-offer-for-cost-free-forensic-auditor-8Jun2019.html>

In 2015, Fair Trading NSW proposed engagement of forensic auditors two times, which BCS Strata Management and committee members silently rejected:

<https://www.sp52948-news.info/Department-of-Fair-Trading-proposing-forensic-auditor-for-AGM-voting-April-2015>

i) Mr. Venardos failed to co-operate with Senior Advocate – Conduct & Discipline at Chartered Accountants Australia and New Zealand (case PC – 003660).

j) It is requested that Economos not be used for future audits, due to excessive number of deliberate errors and non-compliance with regulations.

Motion 5. TENDER ANALYSIS - CORE CONSULTING ENGINEERS

a) CORE Consulting Engineers provided identical version of alleged tender for committee meeting on 17 May 2024, which did not comply with strata laws and its minutes were never published:

<https://www.sp52948-news.info/SP52948-Waratah-Strata-Management-organised-non-compliant-ordinary-committee-meetings-since-1Feb2017.html>

b) Alleged committee meeting on 23 May 2024 that supposedly discussed fire safety tender had many problems:

- Strata Plan SP52948 committee meeting dated 23 May 2024, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW).
- Agenda was created on 17 May 2024 and scheduled for 23 May 2024. Excluding date of creation, meeting date, public holidays, and the weekend, only three days were allowed for delivery of notice to all owners. As per Strata Roll dated 31 January 2017, more than 32% of owners had requested postal delivery of notices – that figure is hidden from owners by Waratah Strata Management in subsequent years.
- Access to current Strata Roll was disabled by deliberate actions of strata manager.
- No owner received full information about financial status, where Admin Fund had deficit (negative balance) of \$100,522.75 on the day of the meeting:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-23May2024.pdf>

- Agenda was not detailed, especially the details of Solicitor Adrian Mueller's costs in Standard Costs Agreement and the fact that Police Event was opened for his alleged criminal activities, whilst Office of Legal Services Commissioner and Law Society of New South Wales continued to investigate his misconduct in relation to Supreme Court case and insurance frauds in CTTT case SCS 12/32675 and NCAT case SC 20/33352.
- Another main motion for this meeting contained incomplete details about massive expenses awaiting owners - Core Consulting Engineers was engaged to assess tenders by the following fire contractors in a response to the tender documentation by CORE (forced by City of Ryde Council). Even worse, these tenders were still incomplete, in spite of fire safety non-compliance for four-years:

Flamesafe [quoted their work at \$783,713.00]

Fire Protect Services [quoted their work at \$997,240.00]

Superior Fire Services [quoted their work at \$907,124.00]

Remedial [quoted their work at \$3,450,172.00]

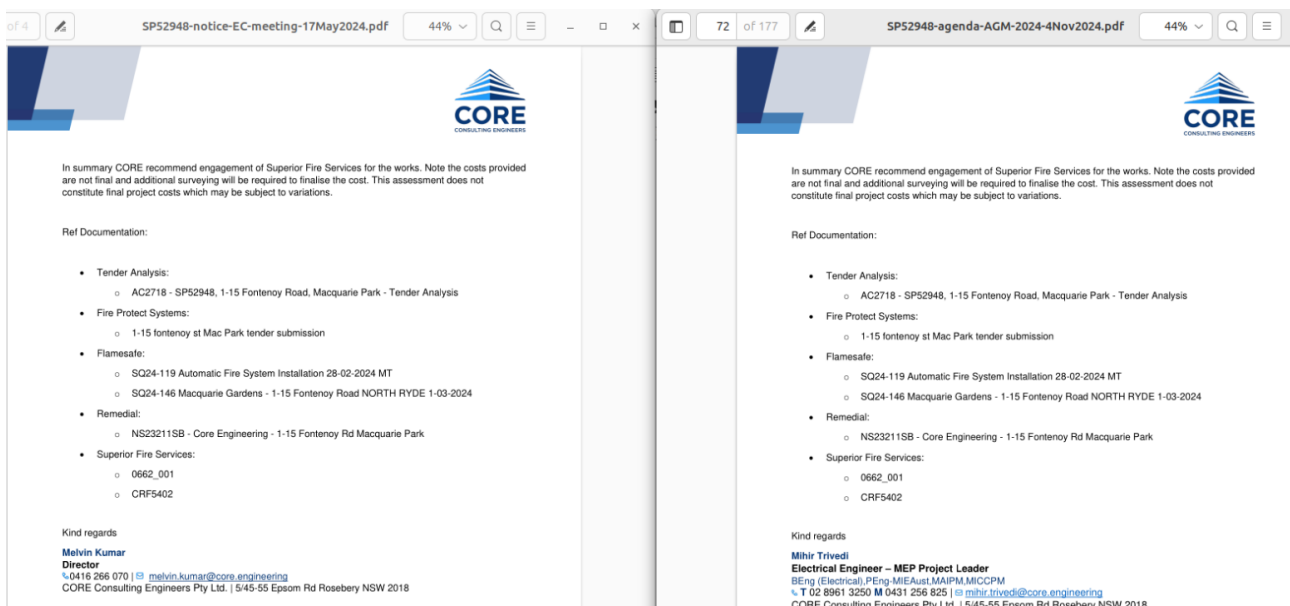
- Lot 158 did not receive agenda for the meeting.
- None of six notice boards published agenda of the alleged meeting until one day before the meeting on 22 May 2024 (photo evidence was collected).
- Waratah Strata Management was repeatedly warned about allowing self-nominations for committee (this problem reoccurred at AGM 2023 too).
- On 13 February 2024, Waratah Strata Management and committee members were warned about strata managers lies in agenda for AGM 2023, and they did not respond.
- Waratah Strata Management website on two main pages did not list any meeting for this date (photo and video evidence was collected).

- Even five months after the alleged meeting (as of 11 November 2024), none of six notice boards published minutes of the meeting (photo and video evidence was collected).
- Even five months after the alleged meeting (as of 11 November 2024), Waratah Strata Management website did not publish minutes of the meeting:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-waratahstrata-Document-folder-page-1-11Nov2024.pdf>

- Many owners, like Lot 158, never received minutes of the meeting.

c) On 5 November 2024, CORE Consulting Engineers were asked to explain why the tender for SP52948 as sent in agenda for committee meeting on 17 May 2024 and Annual General Meeting on 8 October 2024 differed only by date and signature of the sender, in spite of concern on page 2 that it was an incomplete assessment:



Five and half months passed since that report and no further analysis has been done, preventing owners corporation from making fully informed decisions, in spite of SUU (Strata Unit Underwriters) warning on 24 September 2024:

Building Defects

Risk Survey

Cover under this policy is subject to a Risk Survey being conducted by Strata Unit Underwriters and implementation by the insured of any suggested risk improvements within 60 days of request.

Should the insured not make the reasonable suggested risk improvements within 60 days of request, and should the Risk Survey of the premises show an increased risk of loss, damage or

On behalf of the Insurers: Insurance Australia Limited
Trading as CGU Insurance | ABN: 11 000 016 722



liability in relation to the premises, Strata Unit Underwriters may charge an additional premium, change the cover of your policy and/or impose special conditions to reflect the increased risk of loss, damage or liability. Strata Unit Underwriters may also cancel the policy if permitted by the Insurance Contracts Act 1984 (Cth).

It is important for the insured to know that Strata Unit Underwriters may make changes to this Policy as a result of a change in the insured's information. When there is a change, Strata Unit Underwriters will inform you. If the insured is not satisfied with the changes, the insured may cancel the policy.

Why Core Consulting Engineers delay the further assessments? Alternatively, who came up with the idea not to do any further work and simply change the date and signature of the CORE tender?

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-delayed-actions-by-Core-Consulting-Engineers-since-15May2024.pdf>

Core Consulting Engineers failed to provide any reasonable or adequate response.

d) Excessive delays with Core Consulting Engineers' work is further emphasised by the fact that SP52948 is illegally used for short-term letting (effectively becoming a hotel), against the Development Consent 288/94 and Modification Consent A288/94 for the construction of the four residential towers and 26 Townhouses at the above property.

Verification of SP52948 Development Approval Conditions and Building and Development Advisory Service at Ryde Council (Development Consent 288 of 1994 and A288 of 1994) confirms that this applies to SP52948 (spoke to Mr. Zia Ahmed on 25 March 2020). Mr. Zia Ahmed called from phone 9952 8485 at 16:00 hours, the call lasted 6 minutes 40 seconds). He kindly explained the conditions:

- Short-term tenants are allowed ONLY if owner stays and lives in property and shares it with visitors. In that case they still have to get Ryde Council approval.

- The other valid options for a property to be occupied in our complex are:

1. Owner occupied, or
2. Subject to a lease under Residential Tenancy Act 1987.

- Services like AirBnB, StayZ, and similar are not allowed in strata complexes by law as yet.

e) Core Consulting Engineers unreservedly dismissed Remedial quote as being excessive and refused to provide more details about it, apart from stating that Remedial "was known for high prices" and that they were builders too.

So, it was entirely a decision of Core Consulting Engineers to prevent SP52948 to consider Remedial tender.

f) Core Consulting Engineers did not have an explanation why the tenders by other parties were still partially incomplete and how much extra they would cost (blank cheque threat).

g) In agenda for AGM, Core Consulting Engineers provided tender analysis in two-page document (reference AC2718). In their document, they referred to:

- Fire Protect Systems:
Document without reference number
- Flamesafe:
SQ24-119 Automatic Fire System Installation 28-02-2024 MT
SQ24-146 Macquarie Gardens - 1-15 Fontenoy Road NORTH RYDE 1-03-2024
- Remedial:
NS23211SB - Core Engineering - 1-15 Fontenoy Rd Macquarie Park
- Superior Fire Services:
0662_001
CRF5402

h) And here is a bit of detective work. In their document dated 15 May 2024 (allegedly prepared for committee meeting that never happened) and in agenda for AGM, they listed tender by Superior Fire Systems as document CRF5402, but the actual attachment sent to owners on 4 November 2024, the document was CRF5402A, so it is obvious that some tenders were asked to "resubmit".

FlameSafe Fire Protection also had that opportunity as their documents were dated 9 September 2024.

It appears, based on simple analysis of dates in the documents, two other tenders were not given that opportunity.

i) The agenda for AGM provided limited references:

- Fire Protect Systems document dated 4 March 2024. None of the attachments in their two-and-half pages were made available to owners.
- Superior Fire Services document CFR5402A dated 31 July 2024. Document 0662_001 was not provided to owners.
- FlameSafe Fire Protection document SQ24-119 dated 9 September 2024 and document SQ24-685 dated 9 September 2024. Document SQ24-146 was not provided to owners.
- Remedial document NS23211SB was not provided to owners.

j) Neither Core Consulting Engineers, nor Waratah Strata Management, had any answers about excessive delays in attending to fire safety, which significantly benefited consultants in financial terms:

Excluding FY 2024 (Waratah Strata Management claimed there were no payments for "Maint Bldg -- Consultants Code 164200" in agenda for AGM in November 2024), Core Consulting Engineers was paid \$20,250.00 (GST excl):

Payment Date	Payee	Amount (GST excl)	Ref No.
06/07/2021	Core Consulting Engineers Pty Ltd	\$8,500.00	INV-CCE2791
24/09/2021	Core Consulting Engineers Pty Ltd	\$4,000.00	INV-CCE2740
11/10/2021	Core Consulting Engineers Pty Ltd	\$4,000.00	INV-CCE2963
19/12/2022	Core Consulting Engineers Pty Ltd	\$3,750.00	INV-CCE3528

For FY 2023 alone, Waratah Strata Management and Uniqueco Property Services failed to justify invoices and expenses in amount of \$122,843.87 (GST excl) before, at, and after AGM 2023, which include these payments related to fire orders:

Payment Date	Payee	Amount (GST excl)
29/11/2022	Austech Consulting Engineers Pty Ltd	\$11,400.00
18/04/2023	GRS Building Reports Pty Ltd	\$4,000.00
22/05/2023	Austech Consulting Engineers Pty Ltd	\$26,600.00
19/12/2022	Uniqueco Property Services	\$210.00
28/03/2023	Uniqueco Property Services	\$140.00

k) Tender Analysis completed by Core Consulting Engineers, dated 8 October 2024 cannot be accepted due to lack of sufficient data and incomplete analysis.

Motion 6. QUOTATION ACCEPTANCE - FIRE SAFETY WORKS

a) Quotes from all three contractors are insufficient and not based on SUU insurance request for additional audit:

Flame Safe
Fire Protect Services
Superior Fire Services

b) Waratah Strata Management and committee members did not have the power or legal grounds to exclude tender provided by Remedial.

Only owners corporation can make such decision.

c) On 13 November 2024, Waratah Strata Management (CC-ed to Uniqueco Property Services and Remedial) were requested to explain who gave them right to exclude Remedial tender. No reply was received from Waratah Strata Management and Uniqueco Property Services.

d) Written summary was received from Remedial who stated the following for their document NS23211SB:

It seems that our tender covered all the requirements of the fire order to close it out with minimal variations.

It seems the other tenders provided limited scope, hence why their prices are much lower. The limited scope will mean major variations to the original price. We see this happen all the time when fire only contractors are engaged to carry out the works.

We are an experienced builder who specialise in fire upgrade works and have in house fire engineers.

Our price included the installation of sprinklers in your building and numerous other works. This cost is substantial (sprinkler system \$1.1M only)

I would be mindful on what contractor is selected and understand what risk of variations could occur.

I would also look at inclusions and exclusions in all their quotes including what building works have been allowed for.

e) In its current form, this Motion must be rejected and urgent EGM reconvened (at Waratah Strata Management own expense) to properly address the long-standing fire safety issues.

Motion 7. QUARTERLY ADMINISTRATION FUND LEVIES

a) Waratah Strata Management and committee members wanted to increase levies by 52.42% per year. But, they did not directly show this figure, and instead, hid it through this convoluted message:

Levy Analysis Based on Proposals

The proposed budget includes adjustments to both the administration and capital works funds due to necessary expenses. Here's an overview of the key changes and their underlying reasons:

1. Administration Fund Increase (Approx. 5%):

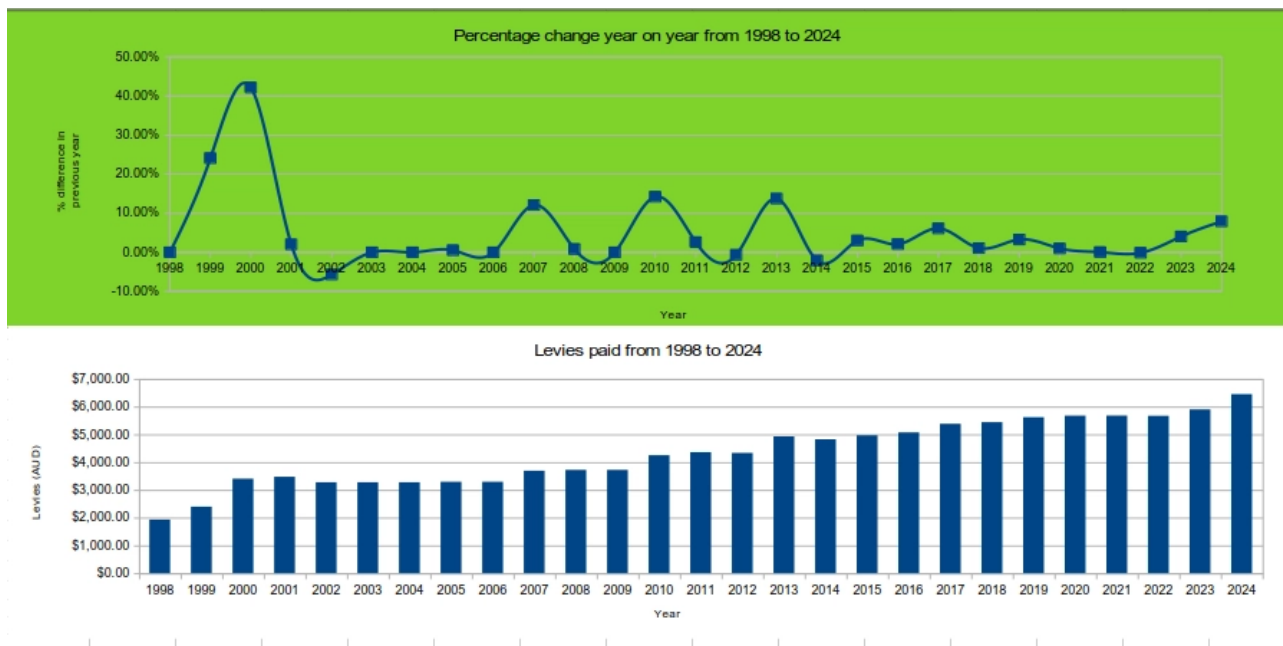
The primary driver for this increase is a significant rise in the insurance policy premium. Due to a fire safety order imposed on the owners corporation, our insurer has only offered a six-month policy at a much higher cost. This situation will continue until we comply with the fire safety order and Ryde Council formally removes it.

2. Capital Works Fund Increase (124%):

The proposed increase in the capital works fund budget reflects the estimated costs of the required fire safety remediation work. The total cost for these works is approximately \$1,000,000, which is planned to be staged over three years. This translates to an increase of \$333,000 annually in the capital works fund over the next three years to cover these essential safety improvements.

b) Waratah Strata Management and committee members ran irresponsible growth of levies, which did not meet owners corporation requirements for proper budgeting:

SP52948 FY between 1 September and 31 August the following year	Difference in Paid Levies to Previous Year	Levies Paid by Owner with Entitlement 47.00
1998	0.00%	\$1,927.00
1999	24.08%	\$2,391.07
2000	42.18%	\$3,399.65
2001	2.03%	\$3,468.65
2002	-5.69%	\$3,271.30
2003	0.00%	\$3,271.31
2004	0.00%	\$3,271.25
2005	0.52%	\$3,288.15
2006	0.00%	\$3,288.10
2007	12.11%	\$3,686.20
2008	0.83%	\$3,716.70
2009	0.00%	\$3,716.76
2010	14.22%	\$4,245.40
2011	2.60%	\$4,355.80
2012	-0.65%	\$4,327.32
2013	13.74%	\$4,921.89
2014	-2.11%	\$4,818.21
2015	3.01%	\$4,963.28
2016	2.08%	\$5,066.61
2017	6.12%	\$5,376.80
2018	1.09%	\$5,435.25
2019	3.28%	\$5,613.65
2020	1.00%	\$5,669.55
2021	0.05%	\$5,672.20
2022	-0.13%	\$5,664.55
2023	4.05%	\$5,894.05
2024	7.91%	\$6,444.40



c) In minutes of AGM 2022 on 27 October 2022, owners received notice about 5.5% increase in levies, without ever discussing or approving 10-Year Capital Works Fund, or having knowledge that SP52948 had Admin Fund negative balance of \$203,914.85 on 27 October 2022 – the day of Annual General Meeting, and were not informed by Waratah Strata Management about future cash-flow problems: 16 days after new financial quarter started on 1 November 2022, Admin Fund had already negative balance (deficit) of -\$22,211.27, which means that for the first time in history of strata complex SP52948 whole three-month financial period would have negative balance, ending with negative balance of -\$166,111.44:

<https://www.sp52948-news.info/SP52948-Income-and-Expenditure-Report-1Sep2022-to-27Oct2022>

<https://www.sp52948-news.info/SP52948-Income-and-Expenditure-Report-1Sep2022-to-4Nov2022.pdf>

<https://www.sp52948-news.info/SP52948-Income-and-Expenditure-Report-1Sep2021-to-31Jan2022.pdf>

d) On 30 October 2023, Lot 158 said the following to Waratah Strata Management and committee members, which was ignored:

Drastic changes are required to prevent owners corporation from collapsing. There is absolutely no need to increase any levies in FY 2024, and proposed 8% increase as "suggested" by Mr. John Gore (on top of 5% increase in FY 2022), is INSUFFICIENT anyway. Mr. Gore is publicly challenged to explain where he got the 18% figure for inflation rates for last three years, because they do not match reality or any official data.

e) The proper solution is to:

(i) Remove poorly prepared planned expenses in FY 2025 (legal costs in amount of \$30,000.00 is one example).

(ii) Disallow Waratah Strata Management to earn insurance commissions, which save owners corporation between 10% and 20% of the insurance premium costs,

(iii) Decrease or completely remove these insurance policies:

- Office Bearers Liability.
- Legal Defence Expenses.
- Appeal Expenses.
- Lot Owners' Fixtures & Improvements.
- Common Contents (SP52948 does not have appliances, equipment, furniture, fittings and works of art that need cover in amount of \$21,982,500.00).

(iv) Increase excesses as they already prevented owners corporation from making many claims:

Section 1 - Building including Common Contents

\$5,000.00 all other claims + as per policy wording

\$10,000.00 bursting, leaking, discharging or overflowing of pipes and/or apparatus and any resultant damage

\$10,000.00 water damage claims

\$10,000.00 all storm and tempest claims

Section 2 - Glass

\$5,000.00 all claims

Section 3 - Theft

\$5,000.00 all claims

Section 11 - Machinery Breakdown

\$5,000.00 all claims

(v) Recover these amounts back into owners corporation funds WITHOUT ANY COSTS TO OWNERS (case for gross negligence and mismanagement by Waratah Strata Management, Uniqueco Property Services, and committee members is solid):

- \$92,950.00 which was NOT spent on alleged upgrades for townhouses in 2017 (recovered fund to be paid by Waratah Strata Management, Uniqueco Property Services, and committee members).
- Unpaid gas heating levies (including 10% simple interest per year for overdue payments)

<https://www.sp52948-news.info/SP52948-dubious-utility-expenses-and-financial-accounting-data-generated-by-Waratah-Strata-Management-for-FY2018-29May2019.pdf>

<https://www.sp52948-news.info/SP52948-Unpaid-gas-heating-levies-and-unfinancial-owners-brief-public-information-from-strata-files-and-meetings.pdf>

<https://www.sp52948-news.info/SP52948-handwritten-note-by-Waratah-Strata-Manager-confirming-no-gas-levies-charged-for-FY2016-and-levies-set-to-220-dollars-on-27Nov2013-for-EC-meeting-Feb2019.pdf>

<https://www.sp52948-news.info/SP52948-calculation-of-losses-in-2023-due-to-unpaid-gas-heating-levy-in-2001.png>

<https://www.sp52948-news.info/SP52948-Economos-Audit-report-FY-ending-31Aug2018.pdf> (signed on 18 October 2018)

<https://www.sp52948-news.info/SP52948-Economos-Audit-report-FY-ending-31Aug2019.pdf> (signed on 20 September 2019)

- \$57,786.69 which Waratah Strata Management received for insurance commissions since 2018 (their predecessor BCS Strata Management was forced to repay such amounts to owners corporation).
- At least \$120,000.00 from Solicitor Adrian Mueller for actions causing significant insurance costs and other risks, whilst acting against best interests of owners and tenants (and even ignoring requests from strata managers and committee members in the past).
- Dubious invoices for poor maintenance and repetitive repairs without warranties. An example: expenses in amount of \$122,843.87 (GST excl) as requested in Lot 158 email to Waratah Strata Management and Uniqueco Property Services on 10 November 2023.
- And more.

(vi) Re-tender strata and building management contracts and review of their services and scope of duties (Waratah Strata Management merged with Beaumont Strata Management and RELM Property Group in last 18 months without disclosure to owners corporation):

<https://www.sp52948-news.info/SP52948-dubious-contract-with-Uniqueco-Property-Services.html>

<https://www.sp52948-news.info/NCAT-case-20-33352-SP52948-brief-log-of-events-related-to-contracts-for-strata-and-building-managers-in-period-1999-to-Oct2020.pdf>

<https://www.nswstratasleuth.info/SP52948-brief-log-of-events-related-to-contracts-for-strata-and-building-managers-public-version.pdf>

<https://www.sp52948-news.info/SP52948-pending-legal-case-to-terminate-contract-with-Uniqueco-Property-Services-detailed-summary.pdf>

<https://www.sp52948-news.info/Examples-of-legal-cases-terminated-contracts-with-strata-and-building-managers-in-Australia.html>

e) The following items in the proposed budget are ridiculous and not based on owners corporation assessment of real costs and needs, or unjustified expenses (for example: legal fees, and around 30% increase for Uniqueco Property Services contract without tender at non-compliant EGM on 30 November 2023):

- Admin--Legal & Debt Collection Fees, \$30,000.00 (SSMA 2015 Section 103 defines in paragraph (1) An owners corporation or strata committee of an owners corporation must not obtain legal services for which any payment may be required unless a resolution approving the obtaining of those services is passed at a general meeting of the owners corporation, paragraph (2) An owners corporation or strata committee may obtain legal services without obtaining approval under this section if (a) it is of the opinion that urgent action is necessary to protect the interests of the owners corporation, and (b) the cost of the legal services does not exceed \$10,000 or another amount prescribed by the regulations for the purposes of this subsection, and paragraph (3) Approval under this section is not required for the following (a) to obtain legal advice before commencing legal action, (b) to take legal action to recover unpaid contributions, interest on unpaid contributions or related expenses, (c) to take any other legal action prescribed by the regulations for the purposes of this section).
Waratah Strata Management still fails to comply with alleged orders in Motion 4 it received at committee meeting on 7 May 2020 (at which Mrs. Marianna Paltikian was excluded from voting due to being unfinancial whilst two other unfinancial owners were allowed – Mr. Moses Levitt and Mr. Stan Pogorelsky) and copy of this legal contract has never been published or provided to owners:
- Legal advice regarding Lot 158, including acceptance of barrister fee proposal - Subject to amendments required to the content of the costs agreement, the strata manager is instructed to sign the costs agreement under common seal for and on behalf of the Owners Corporation. The barrister is also to be requested to respond to the letter received from O'Brien Criminal & Civil Solicitors on behalf of Lot 158.
- Maint Bldg--Building Management, \$440,000.00
- Insurance--Premiums, \$270,000.00
- Maint Bldg--Insurance Repairs &/or Excess, \$2,000.00
- Maint Bldg--Fire Protection Repairs, \$18,000.00
- Maint Bldg--Plumbing & Drainage, \$20,000.00
- Maint Bldg--Consultants, \$3,000.00
- Maint Bldg--Electrical, \$10,000.00

<https://www.sp52948-news.info/SP52948-incomplete-insurance-policy-disclosures-to-owners-in-period-2012-to-2023.pdf>

<https://www.nswstratasleuth.info/SP52948-insurance-premium-changes-since-1997.pdf>

f) Table of strata management contract paid yearly to Waratah Strata Management since 1 February 2017:

Waratah Strata Management fees charged from SP52948 (GST excl)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Admin – Management Fees – Standard	\$28,578.63 (five months were paid to BCS Strata Management who was removed from SP52948 on 31 January 2017 when Waratah Strata Management took office)	\$21,463.55	\$22,099.92	\$23,020.82	\$24,171.90	\$25,380.38	\$26,663.37	\$28,022.74
Admin – Agent Disbursements	\$9,097.37 (five months were paid to BCS Strata Management who was removed from SP52948 on 31 January 2017 when Waratah Strata Management took office)	\$11,108.38	\$11,400.00	\$11,875.00	\$12,468.70	\$13,092.24	\$13,771.85	\$14,477.26
Insurance Commissions	\$0.00 (BCS Strata Management not allowed to receive insurance commissions due to conflict of interest, which Waratah Strata Management abused in the following years)	\$6,570.16	\$6,084.84	\$5,633.62	\$6,541.55	\$6,541.55	\$6,541.55	\$9,936.71
Admin – Accounting	\$300.00 (five months were paid to BCS Strata Management who was removed from SP52948 on 31 January 2017 when Waratah Strata Management took office)	\$600.00	\$450.00	\$900.00	\$600.00	\$450.00	\$900.00	\$800.00
Admin – Agent Disburst – Other	\$9,097.37 (five months were paid to BCS Strata Management who was removed from SP52948 on 31 January 2017 when Waratah Strata Management took office)	\$4,275.18	\$0.00	\$986.00	\$1,881.00	\$0.00	\$100.00	\$0.00
Admin – Agent Disburst – Stationery	\$52.73 (five months were paid to BCS Strata Management who was removed from SP52948 on 31 January 2017 when Waratah Strata Management took office)	\$52.73	\$0.00	\$0.00	\$52.73	\$34.91	\$0.00	\$0.00
Admin – Management Fees – Additional Charges	\$1,830.50 (five months were paid to BCS Strata Management who was removed from SP52948 on 31 January 2017 when Waratah Strata Management took office)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$768.18	\$220.00
Admin – Prior Period Adjustment	\$0.00 (for five months BCS Strata Management managed SP52948 until 31 January 2017)	\$0.00	\$2,458.43	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Admin – Agent Disburst – Couriers	\$0.00 (for five months BCS Strata Management managed SP52948 until 31 January 2017)	\$0.00	\$0.00	\$0.00	\$14.46	\$0.00	\$0.00	\$0.00

In period from 2018 to 2024, Waratah Strata Management standard fees (base) increased by 30.55%. In period from 2018 to 2024, Waratah Strata Management disbursements increased by 30.32%. When 2017 is added (in which BCS Strata Management managed SP52948 for five months) Waratah Strata Management disbursements increased by staggering 51.38%.

g) Table of building management contract paid yearly to service providers:

Financial Year	Building Manager (old name Caretaker)	Total Contract Value	Official annual inflation rate
1999	Strata Sphere	\$186,611.00	1.48%
2000	Universal Strata Services	\$220,168.00	4.46%
2001	Universal Strata Services	\$220,624.00	4.41%
2002	Universal Strata Services	\$218,938.00	2.98%
2003	Universal Strata Services	\$218,167.00	2.73%
2004	Universal Strata Services	\$222,376.00	2.34%
2005	Universal Strata Services	\$227,995.00	2.69%
2006	Universal Strata Services	\$228,438.00	3.56%
2007	Universal Strata Services	\$232,844.00	2.33%
2008	Universal Strata Services	\$235,560.00	4.35%
2009	Universal Strata Services	\$244,287.00	1.77%
2010	Universal Strata Services	\$264,080.00	2.92%
2011	Universal Strata Services	\$245,094.00	3.30%
2012	Universal Strata Services	\$255,673.00	1.76%
2013	Universal Strata Services	\$256,605.00	2.45%
2014	Universal Strata Services	\$252,618.00	2.49%
2015	Uniqueco Property Services	\$275,838.09 (charges split into four invoices: garden maintenance, security, caretaker fees, maintenance garden items, difference to previous year: 8.78% , contract RS/RH 081394 signed on 7 December 2014 by two committee members of which one of them - Mr. Moses Levitt of Lot 147 was unfinancial due to unpaid levies since 2001)	1.51%
2016	Uniqueco Property Services	\$295,250.60 (charges split into four invoices: garden maintenance, security, caretaker fees, maintenance garden items, difference to previous year: 7.03% , Unfinancial Chairperson Mr. Stan Pogorelsky of Lot 181 approved false statements about building management costs in agenda for AGM 2016 (\$292,912.00) evidence part 1 and evidence part 2 , minutes of committee meeting held on 21 March 2016 renewed contract for another year without any tender, although its expiration date was nine months later on 7 December 2016, contract value increased by 2% without owners corporation decision at general meeting on 22 April 2016)	1.28%
2017	Uniqueco Property Services	\$291,507.13 (difference to previous year: -1.27%, contract renewed without tender at general meeting on 24 October 2017 and signed by two unfinancial owners - Mr. Moses Levitt and Mr. Stan Pogorelsky of Lot 147 and 181 due to unpaid levies since 2001 and 1999 respectively, increasing the contract value by 4% per year)	1.95%
2018	Uniqueco Property Services	\$306,837.99 (Auditor signed incomplete version of financials at AGM 2018, agenda for AGM 2019 confirmed it , difference to previous year: 5.25%)	1.91%
2019	Uniqueco Property Services	\$293,031.44 (difference to previous year: -4.50%)	1.61%
2020	Uniqueco Property Services	\$330,986.89 (difference to previous year: 12.95% , contract renewed without tender at general meeting on 22 October 2020)	0.85%
2021	Uniqueco Property Services	\$339,249.60 (difference to previous year: 2.49%)	2.86%
2022	Uniqueco Property Services	\$339,741.00 (difference to previous year: 0.14%)	6.59%
2023	Uniqueco Property Services	\$343,507.47 (difference to previous year: 1.10% , undisclosed increase of 2.0% since February 2023)	4.1%
2024	Uniqueco Property Services	\$415,012.63, split into two account codes ("Maint Bldg--Building Management" and "Maint Bldg--Building Management Expenses"), increase of 20.81% for incomplete year since their contract increased by around 30%	not applicable yet

Monthly payments to Uniqueco Property Services since December 2020:

Date	161300 Maint Bldg--Building Management (monthly salary)	Difference to previous month
31 December 2020	\$28,371.47	Not calculated
31 January 2021	\$28,601.47	\$230.00
28 February 2021	\$28,311.75	-\$289.72
31 March 2021	\$28,311.75	\$0.00
30 April 2021	\$28,311.75	\$0.00
31 May 2021	\$28,311.75	\$0.00
30 June 2021	\$28,311.75	\$0.00
31 July 2021	\$28,311.75	\$0.00
31 August 2021	\$28,311.75	\$0.00
30 September 2021	\$28,311.75	\$0.00
31 October 2021	\$28,311.75	\$0.00
30 November 2021	\$28,311.75	\$0.00
31 December 2021	\$28,311.75	\$0.00
31 January 2022	\$28,311.75	\$0.00
28 February 2022	\$28,311.75	\$0.00
31 March 2022	\$28,311.75	\$0.00
30 April 2022	\$28,311.75	\$0.00
31 May 2022	\$28,311.75	\$0.00
30 June 2022	\$28,311.75	\$0.00
31 July 2022	\$28,311.75	\$0.00
31 August 2022	\$28,311.75	\$0.00
30 September 2022	\$28,311.75	\$0.00
31 October 2022	\$28,311.75	\$0.00
30 November 2022	\$28,311.75	\$0.00
31 December 2022	\$28,311.75	\$0.00
31 January 2023	\$28,311.75	\$0.00
28 February 2023	\$28,311.75	\$0.00
31 March 2023	\$29,247.07	\$935.32
30 April 2023	\$28,877.98	-\$369.09
31 May 2023	\$28,877.98	\$0.00
30 June 2023	\$28,877.98	\$0.00
31 July 2023	\$28,877.98	\$0.00
31 August 2023	\$28,877.98	\$0.00
30 September 2023	\$31,764.07	\$2,886.09
25 October 2023	\$28,877.98	-\$2,886.09 (salary reported two weeks after regular schedule, after Lot 158 sent warning about AGM 2023 SP52948-AGM-2023-misconducts-and-risks-24Oct2023)
30 November 2023	\$29,866.24	\$988.26 (SP52948-accounting-differences-for-status-on-30Nov2023-found-on-Waratah-Strata-Management-website-27Feb2024)
20 December 2023	\$29,517.85	-\$348.39 (SP52948-accounting-differences-for-status-on-31Dec2023-found-on-Waratah-Strata-Management-website-27Feb2024 ; ; Waratah Strata Management and Uniqueco Property Services failed to inform owners about SP52948-pending-legal-case-to-terminate-contract-with-Uniqueco-Property-Services-detailed-summary))

31 January 2024	\$28,877.98	-\$639.87 (SP52948-accounting-differences-for-status-on-31Jan2024-found-on-Waratah-Strata-Management-website-27Feb2024)
14 February 2024	\$38,803.44	\$9,925.46 (negative balance (deficit) in Admin Fund reached -\$87,895.04 SP52948-Income-and-Expenditure-Report-1Sep2023-to-14Feb2024 , Lot 158 document search of strata documents on 13 February 2024 confirmed that Waratah Strata Management had no signed version of renewed contract with Uniqueco Property Services in spite of contract expiring on 31 January 2024)
6 March 2024	\$37,237.78	-\$1,565.66 (negative balance (deficit) in Admin Fund reached -\$187,689.84 SP52948-Income-and-Expenditure-Report-1Sep2023-to-7Mar2024)
10 April 2024	\$37,716.27	\$478.49 (negative balance (deficit) in Admin Fund reached -\$250,998.12 SP52948-Income-and-Expenditure-Report-1Sep2023-to-10Apr2024)
23 May 2024	\$37,428.06	-\$288.21 (negative balance (deficit) in Admin Fund reached -\$100,522.75 SP52948-Income-and-Expenditure-Report-1Sep2023-to-23May2024 , figure for May 2024 was listed under dubious account code, standard code for "Maint Bldg -- Building Management" was 161300, but in May 2024, separate code was added in Admin Fund balance "161350 Maint Bldg -- Building Management Expenses")
14 June 2024	\$37,474.33	\$46.27 (negative balance (deficit) in Admin Fund reached -\$164,511.55 SP52948-Income-and-Expenditure-Report-1Sep2023-to-14Jun2024)
10 July 2024	\$36,583.33 in accounting code 161300 and \$39,366.18 in accounting code 161350	\$46.27 (negative balance (deficit) in Admin Fund reached -\$211,628.93 SP52948-Income-and-Expenditure-Report-1Sep2023-to-10Jul2024)
8 August 2024	\$37,929.73 in accounting code 161300	\$1,346.40 (negative balance (deficit) in Admin Fund reached -\$63,048.35 SP52948-Income-and-Expenditure-Report-1Sep2023-to-8Aug2024 ; Waratah Strata Management and Uniqueco Property Services failed to inform owners about SP52948-pending-legal-case-to-terminate-contract-with-Uniqueco-Property-Services-detailed-summary)
13 September 2024	\$38,041.94 in accounting code 161300	\$112.21 (negative balance (deficit) in Admin Fund reached -\$140,003.50 SP52948-Income-and-Expenditure-Report-1Sep2024-to-13Sep2024 ; Waratah Strata Management and Uniqueco Property Services failed to inform owners about SP52948-pending-legal-case-to-terminate-contract-with-Uniqueco-Property-Services-detailed-summary)
16 October 2024	\$37,335.04 in accounting code 161300	-\$706.90 (negative balance (deficit) in Admin Fund reached -\$194,340.99 SP52948-Income-and-Expenditure-Report-1Sep2024-to-16Oct2024 ; Waratah Strata Management and Uniqueco Property Services failed to inform owners about SP52948-pending-legal-case-to-terminate-contract-with-Uniqueco-Property-Services-detailed-summary)
20 November 2024	\$37,729.81 in accounting code 161300	\$394.77 (negative balance (deficit) in Admin Fund reached -\$123,897.97 SP52948-Income-and-Expenditure-Report-1Sep2024-to-20Nov2024 ; Waratah Strata Management and Uniqueco Property Services failed to inform owners about SP52948-pending-legal-case-to-terminate-contract-with-Uniqueco-Property-Services-detailed-summary)

Motion 8. CAPITAL WORKS FUND PLAN

a) SP52948 never had a properly planned 10-year plans, and most of the time they were prepared without owners corporation approval or consultation:

<https://www.sp52948-news.info/SP52948-Leary-and-Partners-Sinking-Fund-Plan-May1998-undisclosed-to-owners.pdf>

<https://www.sp52948-news.info/SP52948-MSA-Sinking-Fund-Plan-Aug2010-undisclosed-to-owners-until-October-2016.pdf>

<https://www.sp52948-news.info/SP52948-BIV-report-Capital-Works-Fund-Mar2017.pdf>

<https://www.sp52948-news.info/SP52948-BIV-report-Capital-Works-Fund-6Oct2021.pdf>

b) Annual General Meeting was held on 28 October 2021, and no owner received email or printed copy of rushed updates to Capital Works Fund which simply delayed all major repairs, effectively made balance look artificially positive:

<https://www.sp52948-news.info/SP52948-waratahstrata.com.au-website-Documents-folder-part-1-14Oct2021>

Agenda for AGM 2021 was dispatched on 7 October 2021 and BIV's updated Capital Works Fund plan was created a day earlier:

<https://www.sp52948-news.info/10-Year Capital Works Fund assessment on 6 October 2021 but not presented to owners corporation to approve or vote at general meeting on 28 October 2021>

c) BCS Strata Management and Solicitor Adrian Mueller prevented Napier & Blakeley's professional report in July 2012 from CTTT review in case SCS 12/32675 (the report cost owners \$12,144.00)

<https://www.sp52948-news.info/SP52948-Building-report-Napier-and-Blakeley-Jul2012.pdf>

On 25 October 2015, Uniqueco Property Services was reminded about problems with maintenance in the complex and Napier & Blakeley's professional report - they never replied:

<https://www.sp52948-news.info/Pica-Group-and-BCS-Strata-Management-silence-to-respond-to-complaints-and-proven-mismanagement-issues-for-Strata-Plan-52948/Greg-Freeman-silent-about-BCS-Strata-Management-poor-management-of-Strata-Plan-52948-INQUIRY-Compliance-with-Caretaker s-Contract-and-Upholding-SP52948-By-Laws.html>

On 6 October 2016, Uniqueco Property Services was reminded about problems with maintenance in the complex Napier & Blakeley's professional report - they never replied:

<https://www.sp52948-news.info/SP52948-report-submitted-to-with-polite-warning-to-deliver-services-latest-photos-and-issues-on-6Oct2016.html>

d) BIV was contacted by Lot 158 to explain their poor preparation of the Capital Works Fund on three occasions and they never replied:

15 April 2017

16 April 2017

15 October 2021

e) BIV's report is below any acceptable standard, and Waratah Strata Management refused to comment or provide owners with the following challenges:

<https://www.sp52948-news.info/SP52948-discrepancies-in-BIV-report-for-10-Capital-Works-Fund-in-2017-and-2021.pdf>

f) The priority in the new plan must be:

- Compliance with fire safety orders
- Roof membranes in Block A and C (not properly upgraded since 1996), whilst in two other buildings (half roof of Block B and whole roof of Block D) the warranty for upgrades in 2014 and 2015 were decreased from 15 to 5 years due to long-term neglect.

Roof membranes on four buildings need overdue maintenance, where Kintyre decreased warranties for half of roof in Block B and whole roof in Block D to five years instead on standard 15 years due to long-term lack of maintenance.

Planning for maintenance of roofs is allegedly delayed until year 2023 in 10-Year Capital Works Fund Plan in March 2017 without consultation with owners corporation. Waratah Strata Management and EC members, without consultation with owners corporation allegedly approved the 10-Year Capital Works Fund plan in March 2017, which, among the other concerns, delayed maintenance of roofs until year 2023 (directly discriminating against owners in Block A and C, because half of Block B and whole Block D were completed in 2015/2016).

The most revealing figures are related to when to rectify roof problems (major issue in the complex):

In BIV's plan in March 2017, it was recommended to complete the work in August 2023 at estimated cost of \$571,275.00.

In BIV's plan in October 2021, it was recommended to delay the work to September 2031 at estimated cost of \$900,722.00.

Kintyre completed patchy roof membrane repairs without tender, warranties, and without approval by owners corporation at any meeting at cost of \$28,892.00 in March 2012, and Napier & Blakeley report in July 2012 clearly dismissed it as improperly done job.

Since July 2012, full repairs of roof membrane on Block A, as listed in Napier & Blakeley's professional report at cost of \$12,144.00, were listed as important maintenance task that has not been completed yet.

That makes Block A roof not properly maintained for almost 28, which is against professional recommendations to do it around every 10 years.

Half of Block B and whole Block D received full roof membrane replacement in 2015/2016 without tender that was "won" by Kintyre:

\$7,785.00 Block D: roof membrane - fourth part
\$25,000.00 Block D: roof membrane - third part
\$32,786.00 Block D: roof membrane - second part
\$43,714.00 Block D: roof membrane - first part
\$35,613.60 Block B: roof membrane - second part
\$23,742.40 Block B: roof membrane - first part

Waterproofing one whole roof in Block D cost SP52948 around \$107,000.00 (GST inclusive). One and half roofs together cost SP52948 around \$170,000.00 in 2014 and 2015.

Waratah Strata Management and maintenance staff were contacted to submit this information to owners multiple times since 2018, which they declined.

At least 24 repairs for water-related issues in Lot 191 were completed in period September 2011 to January 2019, of which six were reported in lift of Block A since Waratah Strata Management took office on 1 February 2017. The cost estimate (strata managers hide information for few of the events) is above \$20,000.00 from owners corporation funds.

It increased our insurance risk, which was evident from 2012.

One of the claims for water damage was for Lot 188 in amount of \$1,294.55 on 25 July 2011.

Warning by NCS Plumbing about major work required in Lots 189, 190, 191, and 192 on 24 February 2016 which maintenance staff, BCS Strata Management, and Waratah Strata Management deliberately withheld from owners.

<https://www.sp52948-news.info/SP52948-REQUEST-to-Waratah-Strata-Management-FOR-PROPER-AND-OVERDUE-MAINTENANCE-Roof-membrane-and-water-leaks-in-Block-A-2Feb2019.html>
<https://www.sp52948-news.info/SP52948-Risks-due-to-repetitive-water-leaks-without-proper-repairs-and-roof-membrane-neglected-maintenance-Block-A-Jan2019.pdf>

- Roof renovations for 26 townhouses
- Stormwater drainage
- Internal painting in four buildings
- Hot water, plumbing, and pumps

g) In real terms, these figures represent Waratah Strata Management wishes which fail the test of sensibility and prudent analysis:

- Proposed sum of \$1,302,950.00 differs from FY 2024 actual collection of levies in amount of \$949,431.09 by \$353,518.91 in Admin Fund
- Proposed sum of \$600,000.00 differs from FY 2024 actual collection of levies in amount of \$315,167.67 by \$284,832.33 in Capital Works Fund

h) Subcommittee of sufficiently qualified owners must be formed to seek multiple quotes for an updated 10-Year Capital Works Fund and then present it at EGM to approve which vendor to carry out a professional assessment within three months after AGM 2024.

Due to lack of watchful and responsible care, Waratah Strata Management and current committee members must be excluded from involvement in this process.

Motion 9. QUARTERLY CAPITAL WORKS FUND LEVIES

a) Proposed budget for FY 2025 was based on arbitrary figure, which did not match BIV's assessment in 2021. Waratah Strata Management misled the owners corporation suggesting that Capital Works Fund Forecast Report asked \$266,502.00 for expenses in FY 2025.

Here are real figures for items in BIV's report for FY 2025:

Balustrades	\$44,524.00
Garage Doors	\$70,573.00
Intercom + security doors	\$53,934.00

The above expenses amount to \$169,031.00 and are of low priority compared to many other pressing issues, so they can be delayed, or addressed through fix-and-repair-only-what-breaks.

b) Since 2018, Waratah Strata Management refuses to answer questions about different intercom base stations in four buildings:

<https://www.sp52948-news.info/INQUIRY-reported-to-Waratah-Strata-Management-difference-in-intercom-base-stations-in-four-buildings-in-SP52948-25Aug2018.html>

c) In FY 2023 Waratah Strata Management spent \$6,869.23 (GST excl) from Admin Fund on intercom repairs.

In FY 2024, Waratah Strata Management spent \$4,470.00 (GST excl) from Admin Fund on intercom repairs.

In FY 2023, Waratah Strata Management spent \$6,102.41 (GST excl) from Capital Works Fund on intercom repairs.

d) In FY 2023, Waratah Strata Management spent \$2,226.00 (GST excl) from Admin Fund on garage doors.

In FY 2024, Waratah Strata Management spent \$4,470.00 (GST excl) from Admin Fund on garage doors.

e) These three items, if they were really planned for FY 2024, should have presented at least two quotes for approval of each of them at AGM 2024 as every item above \$30,000.00 needs to be approved at general meetings, as per SSMA 2015 Section 102.

f) Waratah Strata Management and committee members misused common funds for most major renovations and maintenance contract renewals through by-passing Section 102 (3) of SSMA 2015 without valid or justified reasons, causing huge losses to owners corporation.

g) Cost for first-year fire safety upgrades in amount of \$330,000.00 was not backed up with full evidence and is pending proper review.

No reasonable or sane person would make a decision on such high monetary values without heavy analysis.

Motion 10. DEBT RECOVERY

a) Motion to be amended that the agent be instructed to initiate full cost recovery for unpaid gas heating levies for period since 2012:

<https://www.sp52948-news.info/SP52948-unfinancial-committee-member-Lot-147-trying-to-blame-and-defame-Lot-158-without-any-substantiated-evidence--and-discriminating-against-Lot-158-13Nov2014.html>

b) Motion to be amended that the agent be instructed to recover unpaid 10% interest from all owners who were waived to pay it without owners corporation decision at general meeting since 1 February 2017:

<https://www.sp52948-news.info/SP52948-discrimination-and-special-privileges-for-selective-owners-18Feb2024.html>

c) Motion to be amended that the agent be instructed to publish detailed financial status, including unpaid levies, at each ordinary and general meetings.

Motion 11. DEBT RECOVERY PAYMENT PLAN

- a) Waratah Strata Management demonstrated lack of appropriate skills and responsible care to represent owners corporation to make such decisions without approval at committee meetings through detailed information for all owners.
- b) Waratah Strata Management allowed payment plans ignoring the fact that sufficient funds to meet the owners corporations needs were not met.

Motion 12. INSURANCES

- a) Waratah Strata Management did not provide detailed report in the agenda.
- b) Waratah Strata Management did not provide any evidence of multiple quotes for the insurance renewal in the agenda.
- c) Waratah Strata Management did not provide detailed premium breakdown (including FSL, Insurer Agency Policy Fee, Stamp Duty, Admin Fee, GST: Insurance quotes will be required to include a full breakdown of the premium, aligning with the recommendations made by John Trowbridge on disclosure obligations.
- d) Waratah Strata Management did not declare insurance commission in amount of \$9,936.71 in spite of advanced warnings not to get involved in insurance renewal.

Section 57(3) of the SSMA permits strata managers to accept payments and training services provided “in connection with the exercise by the agent of functions for the scheme” if the payment is in accordance with the management agreement or is otherwise approved by the owners corporation. Section 60 of the SSMA requires disclosure. That disclosure must at least be on the agenda of each annual general meeting: Schedule 1, clause 9(g) of the SSMA.

- e) Whilst declaration of insurance commissions is compulsory, there is another component which can be paid to strata managers: fees.

Waratah Strata Management did not declare receiving insurance fees in any year since 2017:

<https://www.sp52948-news.info/SP52948-insurance-premiums-and-commissions-since-1997.html>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Insurance-Policy-24Sep2024.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Insurance-Policy-renewal-for-only-half-year-period-due-to-high-risks-and-lack-of-money-in-Admin-Fund-24Sep2024.pdf>

- f) Waratah Strata Management failed to inform owners that it was not required for strata manager to renew the insurances.

Up to 2017, such job was done in co-operation with strata committee and insurance commissions were given to owners corporation.

- g) Historically, the strata management industry has been involved in the placing and managing of insurance on behalf of owners corporations in return for either a direct commission from insurance providers (authorised rep model) or for a share of commissions earned by a preferred broker (the broker model).

The commission that is earned in either of these models is the same, typically about 20% of the base premium.

- h) Waratah Strata Management failed to comply with the codes of conduct applicable under the Property and Stock Agents Regulation 2022 which requires, amongst other things, that the agent must:

- Comply with their obligations as a fiduciary to the owners corporation
- Act honestly and transparently
- Not mislead the owners corporation
- Act in the best interests of the owners corporation
- Not act, or continue to act, as an agent if doing so places their interests in conflict with the owners corporation's interests

- When engaging another service provide on behalf of the owners corporation must not falsely represent to the owners corporation that the service provider is independent of the agent, and if they are not independent must disclosure the nature of that relationship.

i) Since 2017, Waratah Strata Management was instrumental in huge insurance premium increases, whilst personally benefiting from significant insurance commissions:

2018	\$75,503.19	15.31%	\$6,570.16 paid to Waratah Strata Management
2019	\$81,382.12	7.79%	\$6,084.84 paid to Waratah Strata Management
2020	\$80,320.14	-1.30%	\$5,633.62 paid to Waratah Strata Management
2021	\$87,404.90	8.82%	Solicitor Adrian Mueller fully involved in forcing insurance claims for his alleged work \$6,541.55 paid to Waratah Strata Management
2022	\$99,132.62	13.42%	Insurance claim for Solicitor Adrian Mueller (on 25 March 2022 Waratah Strata Management listed revenue from insurance claims in amount of \$19,758.14. Insurance broker forced SP52948 to pay extra \$1,617.37 as per invoice on 9 August 2022 for overdue excesses dated 20 September 2021 and 19 April 2022. SP52948 was forced to repay \$4,545.45 (GST excl) to insurance company for Solicitor Adrian Mueller's legal costs in NCAT case SC 20/33352 \$6,541.55 paid to Waratah Strata Management
2023	\$149,529.07	50.84%	Insurance renewal was due on 21 September 2022 but paid on 26 September 2022 (creating risk of uncovered common property for period of five days). SP52948 was at high risk due to expired insurance. SP52948 was forced to repay \$15,200.15 (GST excl) to insurance company for Solicitor Adrian Mueller's legal costs in NCAT case SC 20/33352 \$6,541.55 paid to Waratah Strata Management
2024	\$181,778.06	21.57%	Insurance renewal was due on 21 September 2023 but not listed on Waratah Strata Management even as late as 11 October 2023 \$9,936.71 paid to Waratah Strata Management
2025	\$245,380.56	34.98%	Insurance renewed only for HALF-YEAR period (until 21 March 2025) due to lack of funds in Admin Fund and HIGH legal risks; Admin Fund reported premium costs as \$122,690.28 one month later on 23 October 2024 Insurance company warnings in their policy on 24 September 2024: "Building Defects Additional policy exclusion Building Defects and remedial work exclusion (applicable to all sections) We will not pay any claims for Damage, Personal Injury, Property Damage, Loss, or legal expenses caused directly or indirectly by, contributed by or arising from any of the defect in any item, structural defect, faulty design, faulty workmanship error or omission as outlined within the report issued by Fire and rescue NSW dated 08/11/2019 and any subsequent reports. Risk Survey Cover under this policy is subject to a Risk Survey being conducted by Strata Unit Underwriters and implementation by the insured of any suggested risk improvements within 60 days of request. Should the insured not make the reasonable suggested risk improvements within 60 days of request, and should the Risk Survey of the premises show an increased risk of loss, damage or liability in relation to the premises, Strata Unit Underwriters may charge an additional premium, change the cover of your policy and/or impose special conditions to reflect the increased risk of loss, damage or liability. Strata Unit Underwriters may also cancel the policy if permitted by the Insurance Contracts Act 1984 (Cth). It is important for the insured to know that Strata Unit Underwriters may make changes to this Policy as a result of a change in the insured's information. When there is a change, Strata Unit Underwriters will inform you. If the insured is not satisfied with the changes, the insured may cancel the policy." \$9,936.71 paid to Waratah Strata Management in spite of advance warning to executive committee

j) Committee members or a new subcommittee should take responsibility for insurance renewals as the amount saved through insurance commission rebates can be significant. On average, strata owners can expect to receive rebates ranging from 10% to 20% of the total insurance premium payable. For buildings with high insurance premiums like SP52948, this can result in thousands of dollars saved each year.

k) Waratah Strata Management must not get involved in insurance renewals and commissions for next financial year with 10% increase over the prior year is not approved.

Motion 13. INSURANCE VALUATION

a) In New South Wales, the legislative requirement to obtain insurance rebuild valuations every five years was abolished in 2015. Currently, there are no statutory mandates to procure an insurance rebuild valuation.

The legislation does require that buildings are insured for their full replacement value.

b) It is unnecessary to complete it in 2025 as the last valuation was completed in September 2022.

c) Any insurance valuations that might be enforced by the insurance company should be paid by Waratah Strata Management, Uniqueco Property Services, and committee members, as they failed in their duties to protect owners' investments.

Motion 14. COMMISSIONS & TRAINING SERVICES

a) Waratah Strata Management did not declare insurance commission in amount of \$9,936.71 (GST excl) in 2024, in spite of advanced warnings not to get involved in insurance renewal.

Section 57(3) of the SSMA permits strata managers to accept payments and training services provided “in connection with the exercise by the agent of functions for the scheme” if the payment is in accordance with the management agreement or is otherwise approved by the owners corporation. Section 60 of the SSMA requires disclosure. That disclosure must at least be on the agenda of each annual general meeting: Schedule 1, clause 9(g) of the SSMA.

b) Whilst declaration of insurance commissions is compulsory, there is another component which can be paid to strata managers: fees.

Waratah Strata Management did not declare receiving insurance fees in any year since 2017.

c) \$57,786.69 (GST excl) was received by Waratah Strata Management for insurance commissions since 2018 (their predecessor BCS Strata Management was forced to repay such amounts to owners corporation):

<https://www.sp52948-news.info/SP52948-insurance-premiums-and-commissions-since-1997.html>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Insurance-Policy-24Sep2024.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Insurance-Policy-renewal-for-only-half-year-period-due-to-high-risks-and-lack-of-money-in-Admin-Fund-24Sep2024.pdf>

d) Based on poor performance in regards to managing SP52948, Waratah Strata Management did not deserve insurance commissions and failed to use it for alleged training.

e) The insurance commissions must be reimbursed to owners corporation.

Motion 15. STRATA COMMITTEE NOMINATION & ELECTION

- a) If any of the following owners get nominated for FY 2015 (Mr. Stan Pogorelsky, Mr. Jeffery Wang, Mr. Ramesh Kamini, Mr. Carlos Fornieles Montoya, Ms. Kathryn Cutler, Mrs. Marianna Paltikian, and Ms. Genelle Godbee), based on their poor performance and duty of care in the past, proceedings to remove them through NCAT shall proceed promptly.
- b) The same shall automatically apply to Lot 3 (Mr. and Mrs. Zelenzuk), Lot 62 (Mr. Aranwela), Lot 147 (Mrs. Levitt), and Lot 151 (Mrs. McDonald).
- c) Lot 158, in a legally prescribed manner, submitted their nomination for SP52948 committee membership in email on 5 September 2024 at 12:21 hours due to long-term absence from Australia.
- d) Waratah Strata Management failed to include Lot 158 nomination, which they received prior to the issuing of the Notice of the Annual General Meeting. It should have been included in the notice of the meeting at which the election is to take place.
- e) Any person nominating or being nominated for the strata committee must do in writing prior to the meeting or verbally at the AGM. The legislation calls for nominations before and at the AGM, and specifies that the consent of the nominated person is to be in writing or in person at the meeting. If the number of nominations exceeds the number determined, then a ballot is held to elect the committee.
- f) If 50% or more of the scheme is tenanted, then a tenant representative is part of the committee, though has no voting rights.
- g) If Waratah Strata Management ignores this nomination through statement that only nominations on the prescribed form they provided in agenda for AGM are to be accepted, they will have to provide evidence:
- Where in strata laws it was made compulsory to use form for committee nominations.

Whilst some strata agencies provide forms for committee nominations, they are not obligatory and email submissions are equally valid.

Motion 16. ELECTION OF COMMITTEE

Motion 17. RESTRICTED MATTERS

a) Due to past failures by Waratah Strata Management and committee members, the following matters shall be restricted:

- Gas heating levies.
- Spend more than 10% above the budgeted amount for any item (does not apply to emergency cases).
- Waiving 10% simple interest for overdue levy payments.
- Insurance renewals, including policies and coverage.
- Changing, repealing or adding to the Strata By-Laws.
- Renewal of any major contract on behalf of owners corporation (gas, electricity, water, elevators, painting, roof upgrades, and other major maintenance).

A example of how Waratah Strata Management illegally signed contract with Liftronics, without anybody reading the contracts:

<https://www.sp52948-news.info/SP52948-brief-log-of-events-related-to-elevator-maintenance-and-replacement-contract-in-2005-2017-and-2018-public-version.pdf>

- Signoff of any contract for new service or termination of it. Huge losses to owners corporation when Waratah Strata Management illegally signed of the termination contract with BigAir ISP is one example:

<https://www.sp52948-news.info/SP52948-brief-log-of-events-related-to-BigAir-illegal-ISP-operation-for-four-years-huge-losses-to-owners-corporation-final-eviction-and-deed-of-settlement-without-owners-corporation-approval-Jun2018.pdf>

- Any legal expense above \$500.00 (GST excl) in any full financial year that do not apply to costs for levy recovery.
- Alteration of common property.
- Acceptance of a settlement offer in a building defect and legal case, or damages claim.

Motion 17. ALTERNATIVES FOR RESTRICTED MATTERS

(OPTION A)

THAT there be no specific matter for which a general meeting must be convened.

(OPTION B)

THAT a matter is to be determined by the owners corporation at a general meeting.

Should a lot owner wish to impose a restriction on the strata committee, that this specific restriction be submitted in writing to the strata manager at least 24 hours prior to the meeting.

(OPTION C)

Abstain

Motion 18. ANNUAL FIRE SAFETY STATEMENT

a) Based on factual evidence of persistent past failures, Waratah Strata Management, is not fit to manage the next annual fire safety statement without supervision.

b) Waratah Strata Management must not sign the statement on behalf of the owners corporation for submission to council before presenting unredacted full copies of six-monthly fire audits in the complex through Motion at regular committee meeting.

c) Alleged Fire Safety Statement, as provided to owners in agenda for AGM 2024 has these problems:

- It is undated.
- It is not accompanied by fire safety schedule.
- Improbable and questionable date of the alleged audit (4 January 2024) as notice of the assessments showed dates 29 January 2024 and 31 July 2024:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Block-A-fire-safety-inspection-notice-22Jan2024.webp>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-fire-safety-checks-25Jul2024.webp>

- Some of the repairs were done after alleged date on 4 January 2024 (Lots 117 and 141 on 29 March 2024):

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Block-D-fire-safety-repairs-in-two-units-11Mar2024.webp>

Motion 19. RESTRICTIONS ON SPENDING EXPENDITURE VS BUDGET

a) Waratah Strata Management used fear-mongering as a tool to by-pass common-sense requirements for transparency and good planning.

b) SSMA 2015 Section 102 (3) was designed to prevent abuse of expenditures.

c) Waratah Strata Management and committee members abused this limitation, with most recent example the swimming pool renovations in amount above \$50,000.00 (GST excl), in spite of alleged major renovation of the complex in 2017 where pool problems were already evident:

<https://www.sp52948-news.info/SP52948-Waratah-Strata-Management-silent-about-failed-maintenance-and-unexplained-costs-of-around-92950.00-for-alleged-major-townhouse-upgrades-3Feb2021.html>

<https://www.sp52948-news.info/SP52948-waratahstrata-website-swimming-pool-renovation-not-listed-7Jul2023.png>

<https://www.sp52948-news.info/SP52948-swimming-pool-renovation-first-payment-18Aug2023.png>

<https://www.sp52948-news.info/SP52948-swimming-pool-renovation-second-payment-with-discrepancies-in-accounting-8Sep2023.png>

<https://www.sp52948-news.info/SP52948-swimming-pool-two-concrete-cancers-video-1-16Jul2023.mp4>

<https://www.sp52948-news.info/SP52948-swimming-pool-two-concrete-cancers-video-2-16Jul2023.mp4>

d) Waratah Strata Management deliberately mislead the owners corporation by stating that if SSMA 2015 Section 102 (3) this was not removed, then a general meeting would need to be convened to authorise any expenditure which exceeds the 10% limit.

This spending restriction does not apply to emergency expenditures (storm, fire, blocked/burst pipes, electrical failure, security system failure, glass breakages, and similar).

e) It was duty of Waratah Strata Management and committee members to properly prepare budget figures for FY 2024 and they cannot be allowed to run the finances without watchful and responsible care.

f) Considering that Waratah Strata Management organised four EGMs in 2023 and 203, which were primarily benefiting few individual owners and their renovations, whilst ignoring global pressing matters like Admin Fund deficits, insurance and legal risks, and fire safety, if an EGM needs to be organised, it will be a very minor problem:

SP52948-EGM-17Aug2023

SP52948-EGM-27Apr2023

SP52948-EGM-30Nov2023

SP52948-EGM-22Feb2024

Motion 20. WORK HEALTH & SAFETY COMMITTEE

a) Waratah Strata Management and Uniqueco Property Services failed in their duty to implement proper OH&S steps, as legislated by law:

<https://www.sp52948-news.info/SP52948-continuous-delays-with-fire-and-OHS-problems.html>

b) Waratah Strata Management, in spite of numerous warnings, failed to register Special By-Law as approved in Motion 25.1 by majority of owners at AGM 2016:

<https://www.sp52948-news.info/SP52948-extract-from-Minutes-AGM-2016-with-Special-By-Law-for-Motion-25.1-never-registered-by-Waratah-Strata-Management.webp>

c) At AGM 2023, Waratah Strata Management refused to include Lot 158 Motions, where one of them was related to Work Health and Safety:

<https://www.sp52948-news.info/SP52948-Motions-by-Lot-158-EGM-public-30Oct2023.pdf>

d) On 17 September 2024, Waratah Strata Management manipulated Open Work Orders and removed 12 issues, including still outstanding Lot 158 sunroom leaks. Screenshots of first page on Waratah Strata website for SP52948 Open Work Orders at 16:14 hours and 16:24 on 17 September 2024 were significantly different:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Waratah-Strata-Management-forgery-of-Open-Work-Orders-17Sep2024.pdf>

e) Lot 158 offers to be part of this committee free of charge.

Motion 21. WORK HEALTH & SAFETY CONSULTANT

- a) Work Health & Safety committee must be delegated the task to seek tenders and decide scope of the consultant work before presenting it at the first applicable committee meeting.
- b) Due to high urgency, this task must be completed within 45 days after approval at the general meeting.

Motion 22. PEST INSPECTION

- a) Typical annual costs for pest inspection and control are between \$1,500.00 and \$2,000.00.
- b) These costs are insignificant compared to other major items of expenditure, and having this Motion at AGM 2024 was a waste of owners corporation time.
- c) Waratah Strata Management must publish copies of these controls either through Minutes of regular committee meetings or on their website.
- d) Waratah Strata Management failed to implement pro-active pest control that recommends the following schedule:

General Pest Control	Quarterly	Includes treatment for pests such as ants, cockroaches, and spiders.
Termite Inspection	Annually	Conducted by a licensed inspector to check for termite infestations.
Rodent Control	As needed	
Flea Treatment	As needed	

Motion 23. SPECIAL BY-LAWS XX - LOT 79

a) Waratah Strata Management withheld information for owners corporation that they acted in discriminatory manner against majority, by allowing selecting owners to conduct major renovations without due processes, registration of amendments of By-Laws, or payments to common funds:

<https://www.sp52948-news.info/SP52948-Waratah-Strata-Management-and-Uniqueco-Property-Services-repeatedly-allow-excessive-noise-and-pollution-during-renovations-that-were-not-properly-approved-at-general-meetings.html>

b) Lot 79, through undisclosed approval by Waratah Strata Management and Uniqueco Property Services, started major renovation without complying with the NSW strata laws and SP52948 by-laws.

c) Two alleged committee members (Mr. Basil Gionea and Mrs. Marianna Paltikian), during this year alone, silently supported two major renovations in their own building in spite of advanced warnings of such illegal activities:

Lot 87 and now Lot 79

d) Renovations in Block C Lot 79 started without owners corporation meeting approval, including excessive noise and dust on 5 November 2024:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Block-C-Lot-79-major-renovation-3Nov2024.webp>

e) Latest publicly-available version of SP52948 Consolidated By-Laws clearly define requirements for major renovations:

<https://www.sp52948-news.info/SP52948-Consolidated-By-Laws-17Nov2022.pdf>

f) Bannermans Lawyers, Waratah Strata Management, Uniqueco Property Services, and committee members were informed about this illegal renovation on 8 November 2024. No reply was received.

g) One cannot make the same mistake twice. The second time they make it, it is no longer a mistake. It is a deliberate choice.

h) Uniqueco Property Services and Waratah Strata Management ignored complaints about illegal major renovation in Lot 79 since 8 November 2024, and evidence on 22 November 2024 confirmed it:

[SP52948-Block-C-Lot-79-illegal-renovations-and-faulty-light-22Nov2024](#)

[SP52948-Block-C-Lot-79-illegal-renovations-photo-3-22Nov2024](#)

Noise level from hammering and other work in the foyer in Block C level 5 was significant. Owners near Lot 79 must be having terrible times to cope with the excessive noise:

[SP52948-Block-C-Lot-79-illegal-renovations-and-excessive-noise-video-1-22Nov2024 \(video\)](#)

[SP52948-Block-C-Lot-79-illegal-renovations-and-excessive-noise-video-2-22Nov2024 \(video\)](#)

[SP52948-Block-C-Lot-79-illegal-renovations-and-excessive-noise-video-3-22Nov2024 \(video\)](#)

[SP52948-Block-C-Lot-79-illegal-renovations-and-excessive-noise-video-4-22Nov2024 \(video\)](#)

On, or around 25 November 2024, somebody removed notice in Block C elevator about illegal Lot 79 renovations:

[SP52948-Block-C-elevator-missing-notice-about-Lot-79-illegal-renovations-photo-1-25Nov2024](#)

[SP52948-Block-C-elevator-missing-notice-about-Lot-79-illegal-renovations-photo-2-25Nov2024](#)

Light was still faulty in front of Lot 79 entrance on 26 November 2024, unrepaired since at least 7 November 2024, and notice about renovation till missing in elevator:

[SP52948-Block-C-Lot-79-illegal-renovations-and-faulty-light-26Nov2024](#)

[SP52948-Block-C-elevator-missing-notice-about-Lot-79-illegal-renovations-photo-1-26Nov2024](#)

[SP52948-Block-C-elevator-missing-notice-about-Lot-79-illegal-renovations-photo-2-26Nov2024](#)

Light was finally repaired in front of Lot 79 entrance on 28 November 2024, unrepaired since at least 7 November 2024, and notice about renovation till missing in elevator:

[SP52948-Block-C-Lot-79-illegal-renovations-and-faulty-light-finally-repaired-28Nov2024](#)

[SP52948-Block-C-elevator-missing-notice-about-Lot-79-illegal-renovations-photo-1-28Nov2024](#)

[SP52948-Block-C-elevator-missing-notice-about-Lot-79-illegal-renovations-photo-2-28Nov2024](#)

[SP52948-Block-C-Lot-79-illegal-renovations-and-noise-28Nov2024 \(video\)](#)

i) Lot 79 application failed in many areas:

- Started work without approval of the owners corporation at any legally convened meeting.
- Started work without registered Special By-Law, as per Section 141 of the Strata Schemes Management Act 2015 at the Registrar-General's Office.
- Application does not provide any schedule of dates for the work.
- Application not accompanied with all relevant files.
- No evidence that Lot 79 paid application fee in amount of \$120.00 (plus GST) for the strata manager to review the application, search by-laws and obtain instructions from the strata committee.
- No evidence that Lot 79 paid bond in amount of:
\$1,000.00 if total cost of works is less than \$20,000.00
\$5,000.00 if total cost of works is less than \$20,000.00
- No evidence that Lot 79 paid or will pay legal costs in amount of \$500.00 for registering updates to Consolidated By-Laws.
- No evidence that Lot 79 paid strata manager's reasonable costs for holding a general meeting to approve the major renovation (including printing and postage of agendas and minutes) and the costs of preparation and attendance at that meeting (even when it is virtual).
- No evidence that Lot 79 provided a dilapidation report as to the condition of the common property and each Lot that is immediately adjacent to (above, below, or beside) the owner's cost.

Motion 24. RENOVATION APPLICATION - LOT 200

a) The proposal:

- Did not contain start and end dates of the work.
- No evidence that Lot 200 paid application fee in amount of \$120.00 (plus GST) for the strata manager to review the application, search by-laws and obtain instructions from the strata committee.
- No evidence that Lot 200 paid bond in amount of:

\$1,000.00 if total cost of works is less than \$20,000.00
\$5,000.00 if total cost of works is less than \$20,000.00
- No evidence that Lot 200 paid or would pay legal costs in amount of \$500.00 for registering updates to Consolidated By-Laws.
- No evidence that Lot 200 paid strata manager's reasonable costs for holding a general meeting to approve the major renovation (including part of printing and postage of agendas and minutes) and the costs of preparation and attendance at that meeting.
- No evidence that Lot 200 provided a dilapidation report as to the condition of the common property and each Lot that is immediately adjacent to (above, below, or beside) the owner's cost.
- Did not contain clause that Lot 200 roof area would become private property and not covered by owners corporation in the future (exclusive rights to common property).
- The quote expired on 4 October 2024.
- Did not contain copies of any reports that might apply (Engineers Report, a Dilapidation Report or further detailed drawings, plans, Council approval, Development Approval (DA) or Complying Development Certificate (CDC)).

Motion 25. MOTIONS REQUISITIONED BY LOT 158 OWNER

a) It is predicted that Waratah Strata Management will try to “bundle” all Motions into one decision, directly risking immediate commencement of legal cases for discrimination, deliberate insurance risks, attempts to defraud owners, attempts to endanger lives and property of owners, attempts to hamper Police and NSW Fair Trading investigations, attempts to hamper investigations by Office of Legal Services Commissioner and Law Society of NSW, and attempts to profit from owners without approvals.

b) Waratah Strata Management was instrumental in preventing Lot 158 Motions at AGMs since 2017, with extensive and expensive advice from Solicitor Adrian Mueller:

<https://www.sp52948-news.info/SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2017.pdf>

<https://www.sp52948-news.info/SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2018.pdf>

<https://www.sp52948-news.info/SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2019.pdf>

<https://www.sp52948-news.info/Waratah-Strata-Management-prevented-owners-from-receiving-amendments-for-SP52948-Motions-at-AGM-2019-with-consequence-of-not-ratifying-all-contracts-and-major-expenses.pdf>

<https://www.sp52948-news.info/NCAT-case-20-33352-SP52948-Solicitor-Adrian-Mueller-provided-advice-how-to-ensure-Motions-by-Lot-158-be-ignored-effectively-coercing-owners-to-vote-against-ratification-of-past-events-AGM-2020.pdf>

<https://www.sp52948-news.info/SP52948-Motions-by-Lot-158-AGM-2022.pdf>

<https://www.sp52948-news.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

<https://www.sp52948-news.info/SP52948-Motions-by-Lot-158-EGM-public-30Oct2023.pdf>

<https://www.sp52948-news.info/SP52948-AGM-2023-misconducts-and-risks-24Oct2023.pdf>

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Motions-by-Lot-158-AGM-1Oct2024.pdf>

<https://www.sp52948-news.info/SP52948-Lot-158-submissions-for-problems-at-AGM-2024.pdf>

c) Persistent dangers to Lot 158 for their work to enforce proper management of the complex:

<https://www.sp52948-news.info/SP52948-endangering-life-and-safety-of-owner-to-prevent-their-investigations-about-mismanagement-of-strata-complex.html>